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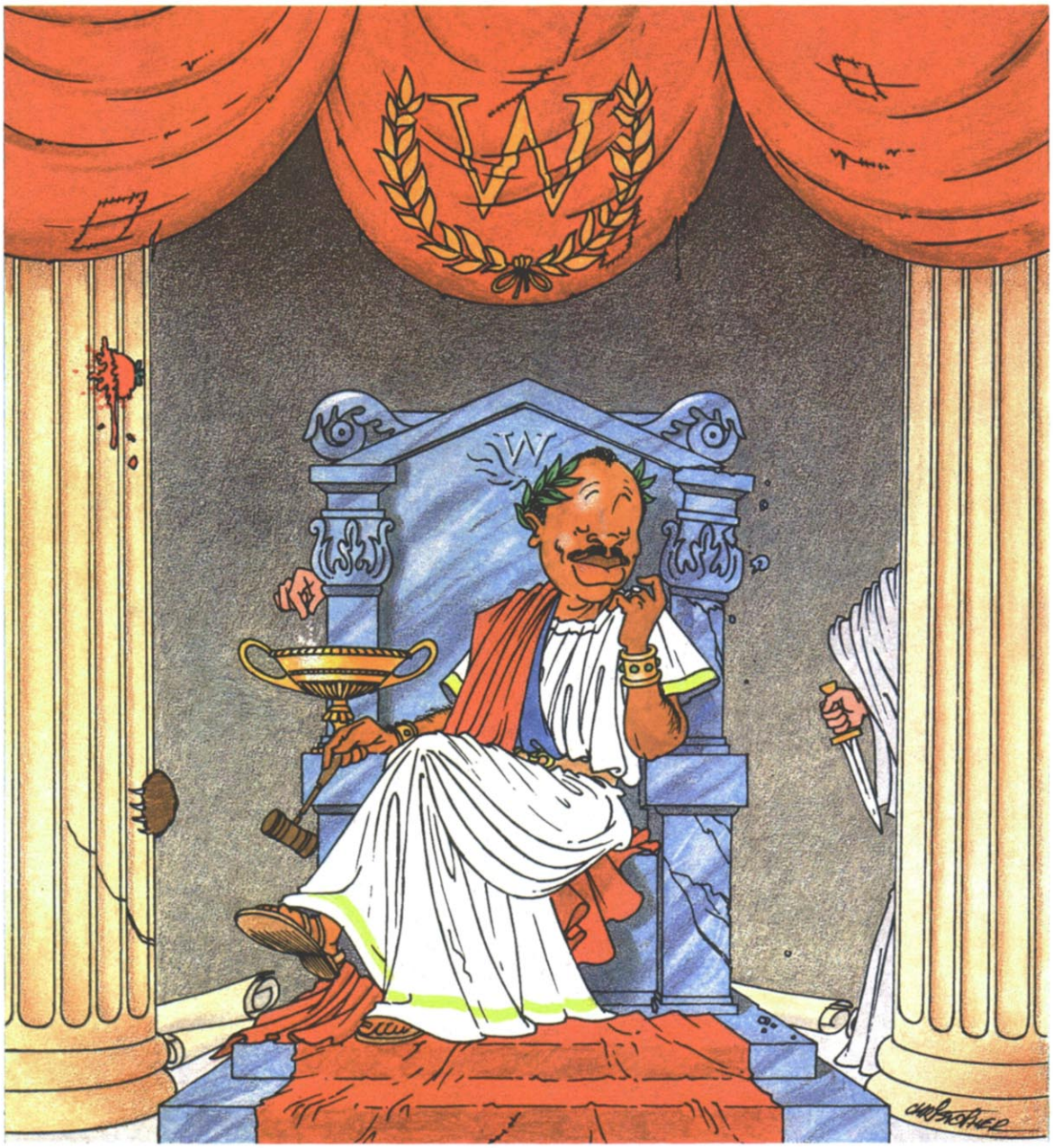
CALIFORNIA Journal

A CRUMBLING SPEAKERSHIP?



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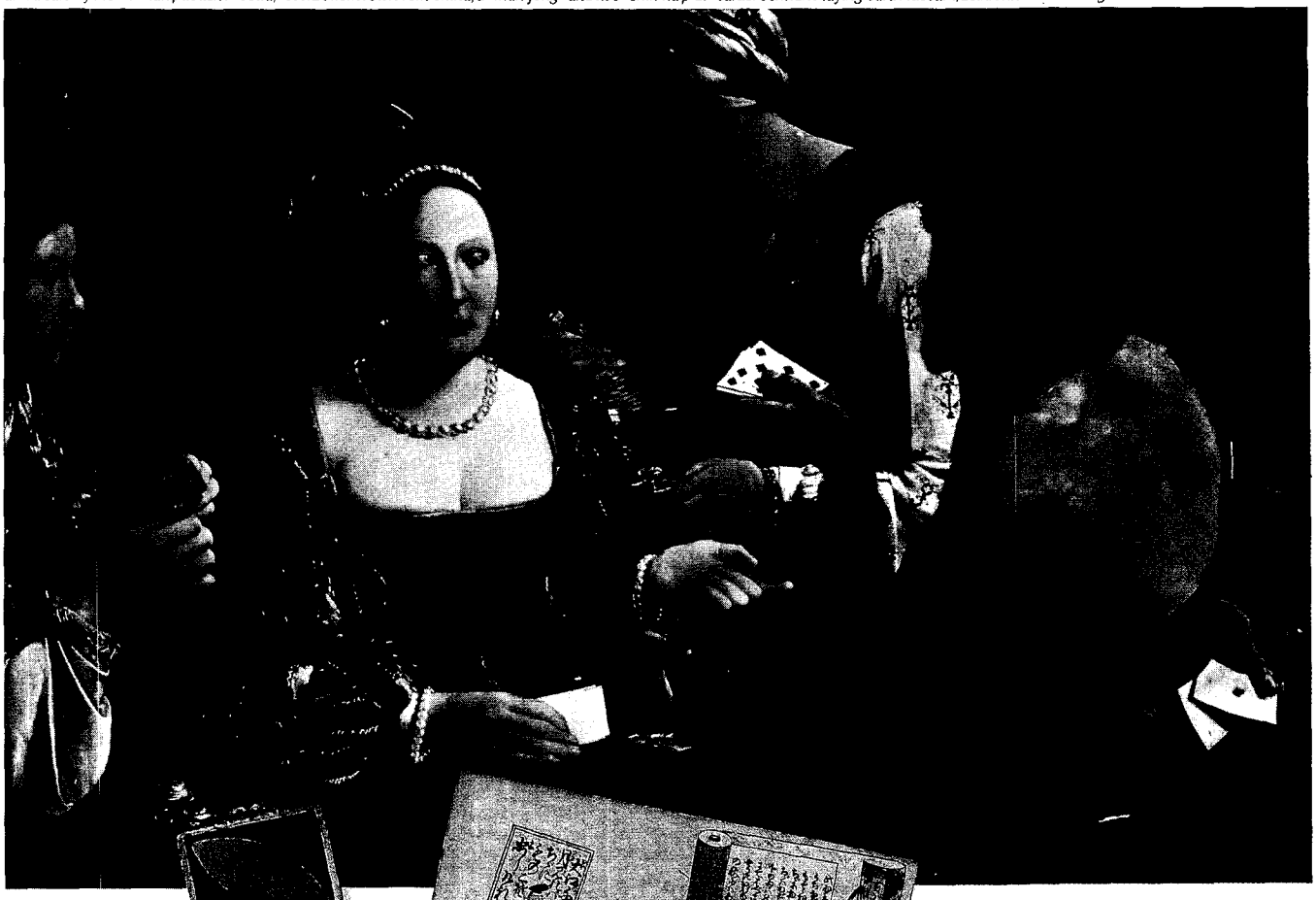
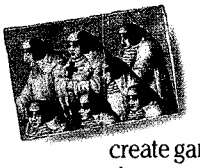
"Le Tricheur à l'as de carreau" by Georges de La Tour (1593-1652). Musée du Louvre, Paris. Cards, top row: Two Chinese "domino" cards, a card used in the Japanese "karuta" game, and a card by the German publisher Cotta, 1810. Bottom row: From China, a "mah-jong" and two "shih-hu p'ai" cards. German Playing Card Museum, Leinfelden-Echterdingen.





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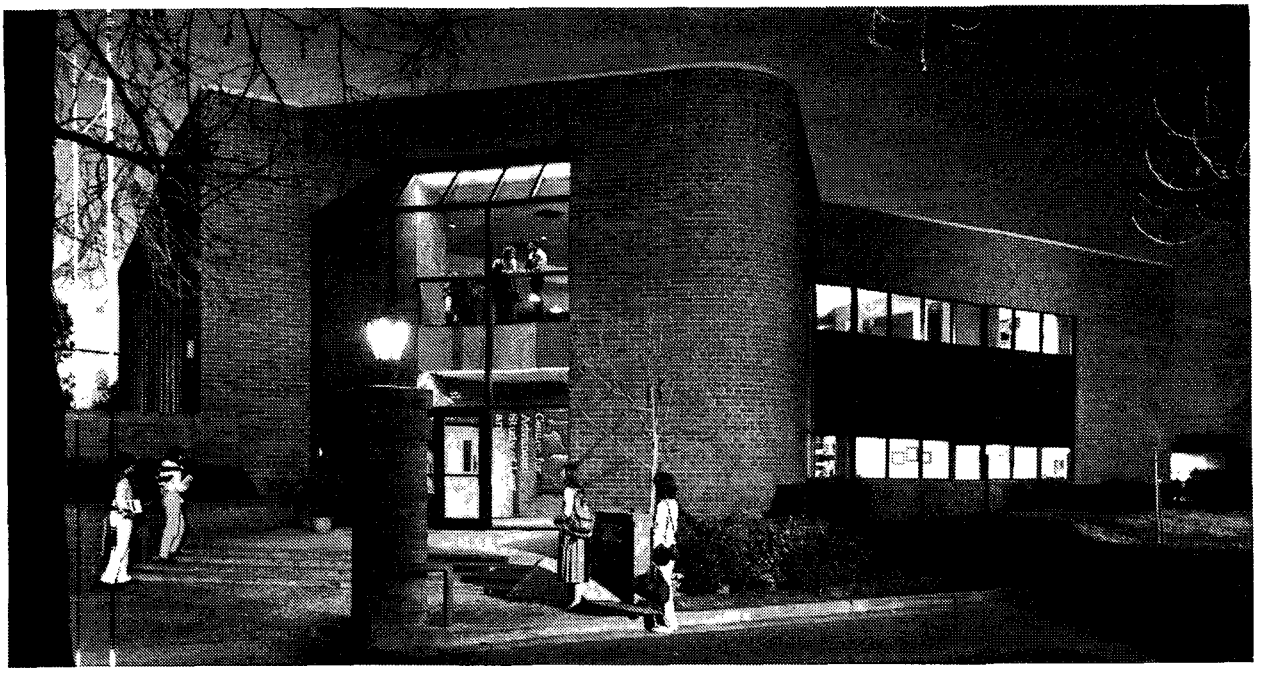

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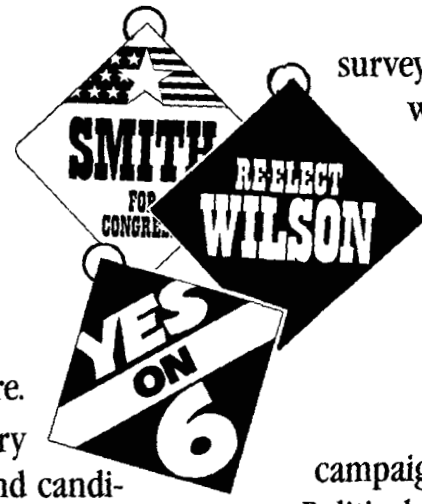

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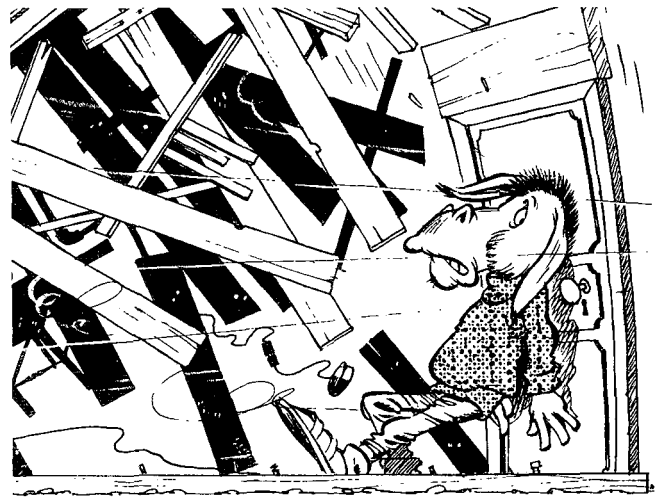
CALIFORNIA Journal

VOLUME XIX, NUMBER 4 APRIL 1988

June Ballot Book

California Journal's *review of the 11 propositions included on the June 7, 1988 primary election ballot, including background information, a summary of each proposal and arguments for and against each measure.*



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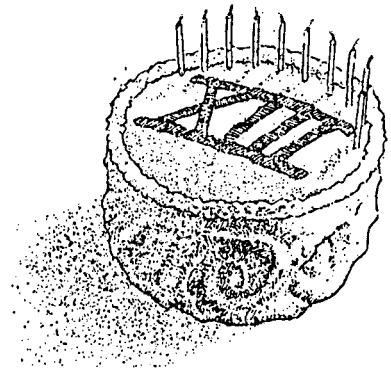

Cover illustration by Chris Van Overloop

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UP FRONT

Best and brightest? Six future California voters recently demonstrated less-than-outstanding knowledge of current affairs. As contestants on a local Sacramento quiz show — *High School Challenge* — a three-student team from Clarksburg's Delta High School (20 miles south of the Capital) failed to come up with the name of Governor George Deukmejian's nominee for state treasurer. This happened only three days after Senate and Assembly votes on the appointment of Congressman Dan Lungren as treasurer. Delta's opponent — a team from McClatchy High School in Sacramento — failed to correctly identify California's two U.S. senators, venturing "Cranston and Matsui." Sorry, McClatchy, no credit for batting .500. The two teams did correctly identify the Doppler Effect, J.R.R. Tolkien and the four factors of 10.

(Jennifer Kerr, Sacramento)

The management of state government ground to a halt for two hours on Friday, March 4th. That's when some 500 agency secretaries, department directors, deputy directors and the like attended the "Deukmejian Administration Executive Forum." The governor spoke to the gathering, held in the Sacramento Community Center. The guest speaker was Tom Peters, an author and lecturer, who donated his time, according to gubernatorial press secretary Kevin Brett. "We're pleased with the management of state government," said Brett, "But we're always looking for ways to improve." One of Peters' suggestions: stop holding so many meetings. *(Bob Schmidt, Sacramento)*

Cheese or chocolate? Dan Lungren, who wants to be state treasurer, has sued George Deukmejian, who nominated him for the post. As most people know, Lungren wants the state Supreme Court to clarify vague constitutional language that applies to the confirmation procedure on such appointments. Deukmejian was named as one of several defendants, along with Controller Gray Davis, Acting Treasurer Liz Whitney, and Senate pro Tempore David Roberti. The final named defendant: Secretary of State "March Fond Eu."

Speaking of strange and wonderful lawsuits, *LA Weekly* reports that the Los Angeles Board of Supervisors has sued itself. According to the *Weekly*, the supes voted to join a Malibu developer's legal challenge to the California Coastal Commission's right to restrict development within the Malibu- Santa Monica Mountains coastal zone. Unfortunately, the supes last year approved boundaries for that same coastal zone and had been named a co-defendant with the Commission. Apparently, the supes will forge ahead, with their various attorneys preparing to fight on both sides of the lawsuit.

A huge brawl of epic, perhaps draconian, proportions is brewing in the Assembly and no one seems capable of heading it off. No, not Gang of Five vs. Willie Brown. No, not insurance companies vs. trial lawyers. No, not optometrists vs. the world. This donnybrook pits the banana slug against the abalone for the honor of being designated official state mollusk. GOP Assemblyman Trice Harvey of Bakersfield is promoting the abalone in an attempt to head off the banana slug steamroller that has been grinding its way through the Legislature for several weeks. Just to keep things lively, we'd like to propose yet another mollusk be considered for the title: the Pismo Beach clam.

Seems Tehama County, nestled in the north central part of California, doesn't hold title to its own courthouse. Under a law dating back to the 1860s, the Tehama County Superior Court judge holds that title and can convey it only to the city of Red Bluff. As a result, the board of supervisors may run into problems taking out insurance on the building, or having it remodeled. According to state Senator Jim Nielsen, who represents the area, the law makes the supes "squatters in their own courthouse." Nielsen has a bill (SB 2315) in the works that will correct the problem.

Ronald Reagan probably started the trend of politicians endorsing products when he fronted for dress shirts and Borax back in the 1950s. Of course, that was before Reagan became a politician. Former New York Congressman William E. Miller, Barry Goldwater's 1964 running mate, did a "Do you know me?" commercial for American Express in the 1970s. And former Democratic presidential contender George McGovern has endorsed the Pritikin health plan. Now comes state Senator Art Torres, a Los Angeles Democrat. Torres' photo (although not his name) appears as one of 11 photos in a full-page ad for the California Chiropractic Association, seen in a February issue of *People*.

Can touch football be far behind? The award for the most Kennedy-esque photo of the campaign season, so far, goes to Lieutenant Governor and would-be U.S. Senator Leo T. McCarthy for his stroll on the beaches of San Francisco Bay. The photo ran in a McCarthy newsletter.

Yeh, but they got no rhythm. At the Republicans' convention in February, it was the supporters of conservative Jack Kemp who put on the best party. Kemp backers hired a disc jockey, laid down a dance floor and rocked into the wee hours. Lyrics from one of the popular tunes: "Sex is natural, sex is good." They may be getting younger, but Republicans still can't dance as well as Democrats.

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How soon we forget. Republican state office holders decided to take no chances that there will be any competition to their current lock on the primary system — where members of the Assembly and Senate control the money that allows one primary contender a crushing advantage. That control was put in potential jeopardy by a court ruling saying party central committees could endorse in primary elections. Imagine the primary where Assembly Minority Leader Pat Nolan has picked one candidate and the local county central committee another? Well, Nolan did, and he rammed through a change in party rules that prohibits endorsements by either state or county central committees. And just in case grass-roots party members should start sneaking up on them, the elected officials also pushed through a rules change to make sure that next time anyone wanted to change these rules, they'd have to win a two-thirds majority to do so. The irony? It wasn't that long ago that Nolan was leader of the outs, railing over other GOPers' control of the party despite the wishes of the "grass roots volunteers."

New campaign gimmicks are rare, but it appears the hot new medium of 1988 will be the "baby on board" sign in car rear windows. However, we're wondering how many supporters of Lyndon LaRouche's AIDS measure are going to be willing to display "YES on 69" signs and how many of the more liberal opponents of the measure will advocate "Stop 69?"

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front." so rush your items to Up Front, 1714 Capitol Avenue, Sacramento, CA 95814. Sorry, submissions cannot be returned.*

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— Jane Austen

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ROSTRUM

AIDS

It seems appropriate that your February 1988 cover story is entitled "The Politics of AIDS". After all, AIDS is this nation's first politically-protected disease.

I want to clarify some comments regarding the California Physicians for a Logical AIDS Response initiative that I have co-sponsored. The article sums up the initiative thusly: "This proposal bans alternative test sites, abolishes confidentiality, and establishes mandatory contact tracing. It fines doctors who refuse to report HIV positives to public-health authorities and forces them to testify against patients accused of sex crimes."

This summation is wrong.

Does the initiative ban alternative testing sites? No. Does the initiative abolish confidentiality? Absolutely not. In fact, if an individual willfully or negligently discloses a result of a blood test, under a provision of the initiative, the informer will be subject to a jail sentence or a fine, plus liability for all damages. Perhaps you meant to write "anonymity" instead of "confidentiality".

Does the initiative establish "mandatory" contact tracing? It institutes contact tracing as a routine procedure in attempting to help control the AIDS epidemic. "Mandatory" has become a buzzword, however. Infected carriers have one week to notify local public-health officials of contacts (both name and address, if known) from whom "the disease may have been contracted and to whom the disease may have been transmitted." Explicit in the provision on contact tracing is a test of reasonableness.

Does the initiative fine a doctor who refused to report a positive test? Yes. The fine would be $250 for each violation.

Is a doctor "forced" in a court of law, under certain circumstances, to confirm a negative or positive blood test? The potential exists, but physicians are regularly called upon to testify for any number of cases; most notably, those involving substance abuse and paternity suits.

The sex crimes you allude to are all cases of rape, unlawful sodomy, unlawful oral copulation, pedophilia, sexual battery, and assault "likely to produce great bodily injury." Given the nature of

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these acts, are we to judge this stipulation as unreasonable?

WILLIAM E. DANNEMEYER
Member of Congress

Editor's note: Section 8 of the initiative reads: Notwithstanding Section 199.21 or any other provision of law, any physician and surgeon, blood bank, plasma center, entity, or county that operates an alternative test site ... who knows, or has reasonable cause to believe, that a patient or donor has been infected by, or has tested positive in, any test indicating infection by any probable causative agent of AIDS, shall within 48 hours, promptly report this fact to the local health officer in the county where the patient or donor resides. This information, together with the name of the person, if known, and the nature of associated supervening disease, if present, shall be transmitted to the local health officer ...

Duke, the terminator

"The Terminator" article (see *CJ*, February 1988) devotes 35 inches to attacking Deukmejian versus 14 inches for him. This is not particularly a problem. The tone of the article is, however. All government regulation is backed up by the force of government and is financed by money taken from others by threat of force. As citizens, we might hope that that activity is undertaken very carefully and only when there are no alternatives. The trio that wrote the article is not only enthusiastic over regulation, they think it is desirable to take money from citizens by threat of force even to fund "provocative projects."

J.G. FORD, Jr.
Greenbrae

You may find this as hard to believe as we did, but not everyone agrees with articles published in California Journal. *The* Journal, *therefore, encourages letters from its readers that respond to or add to its features and stories. The editors, of course, reserve the right to edit for space. Please address your slings and arrows to "Rostrum," 1714 Capitol Avenue, Sacramento, CA 95814.*

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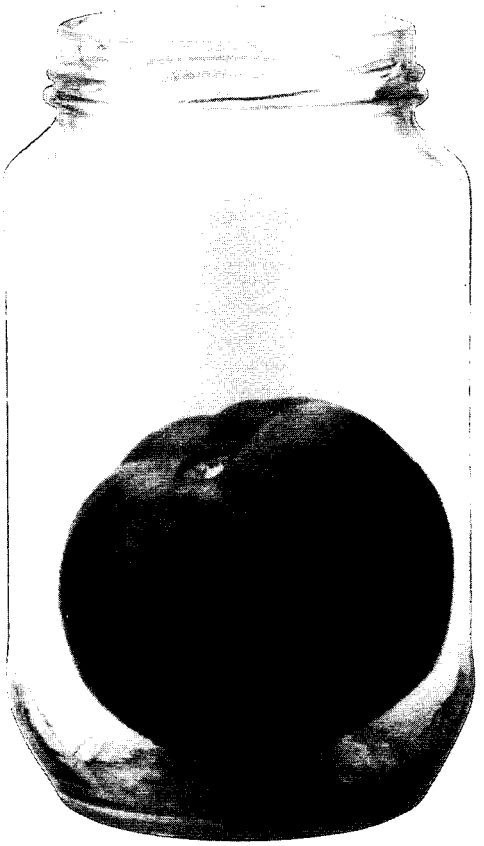

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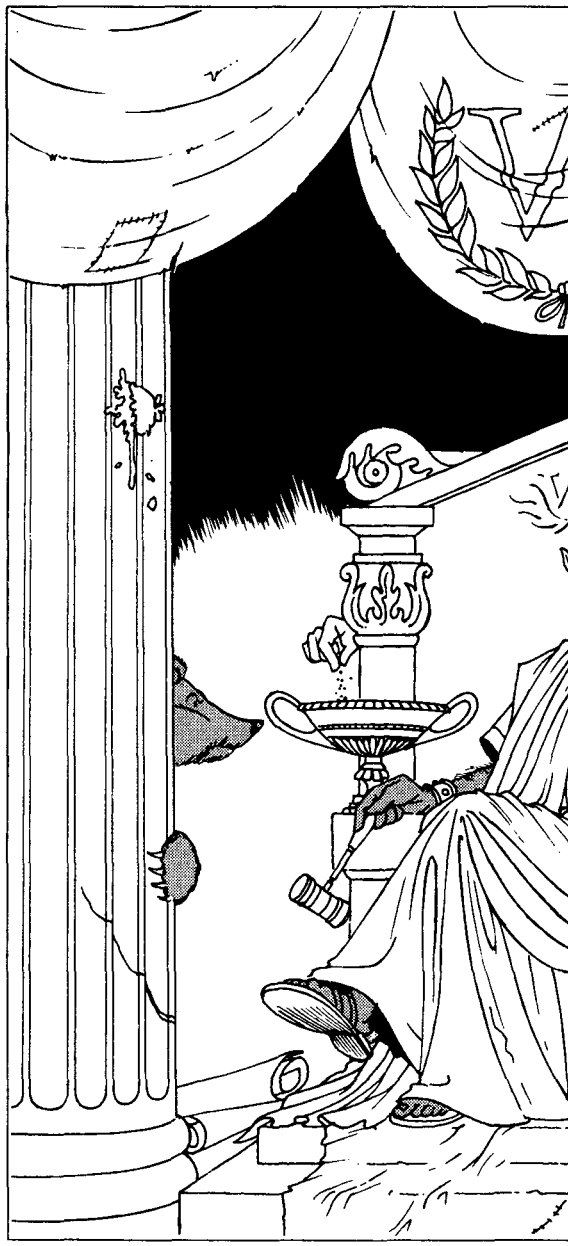

The decline and fall of Speaker Willie Brown Jr.?

A leader caught between the Gang, the Grizzlies and the GOP

By Richard Zeiger and A.G. BLock

Early last month an enormous white banner fluttered across the north facade of the state Capitol, reading: "Congratulations Mr. Speaker." Inside the Assembly chambers Willie Lewis Brown Jr. received a standing ovation as he broke Jesse Unruh's record by holding the speaker's title longer than anyone else: seven years, three months, seven days.

Although his staff later held a small, private gathering for him, the marking of the event was extraordinarily restrained for Brown, who likes a good party better than the next man. The restraint was not from a sudden fondness for modesty. It was the result of necessity. Not since the first days of Brown's speakership has his hold on the office been so tenuous. Five of his Democrats are in open rebellion, cutting his secure margin in the Assembly to 38 votes. There was a good chance, on that day of celebration, that the five would have used the opportunity to try to vacate the chair, making Brown's hold on the office once again dependent upon the good graces of the Assembly's 36 Republicans. Furthermore, his setting of the longevity record only fueled press criticism of his accomplishments — or lack of them — as speaker and renewed complaints about the deterioration of the Assembly as a deliberative body.

Although Brown tries to put the best face on things, saying the remaining Democrats are "more unified than ever," it is clear the celebration was dampened by the thought that Willie Brown may not extend Unruh's record by many more months.

If this is the beginning of Willie Brown's downfall, and Brown insists that it is not, it is ironic that it should be started by five dissident Democrats who have been dubbed by the press the "Gang of Five," but more often call themselves the "Five Amigos." Until their fall from grace, the five — Rusty Areias of Los Banos, Charles Calderon of Los Angeles, Gary Condit of Ceres, Gerald Eaves of Rialto and Steve Peace of Chula Vista — epitomized success under Brown's style of leadership. Each was promoted rapidly under Brown, given committee or leadership assignments, choice office space and staff, and the power to deal on the speaker's behalf with many of the special-interest groups seeking to do business in Sacramento. And each "amigo" also developed a reputation for en-

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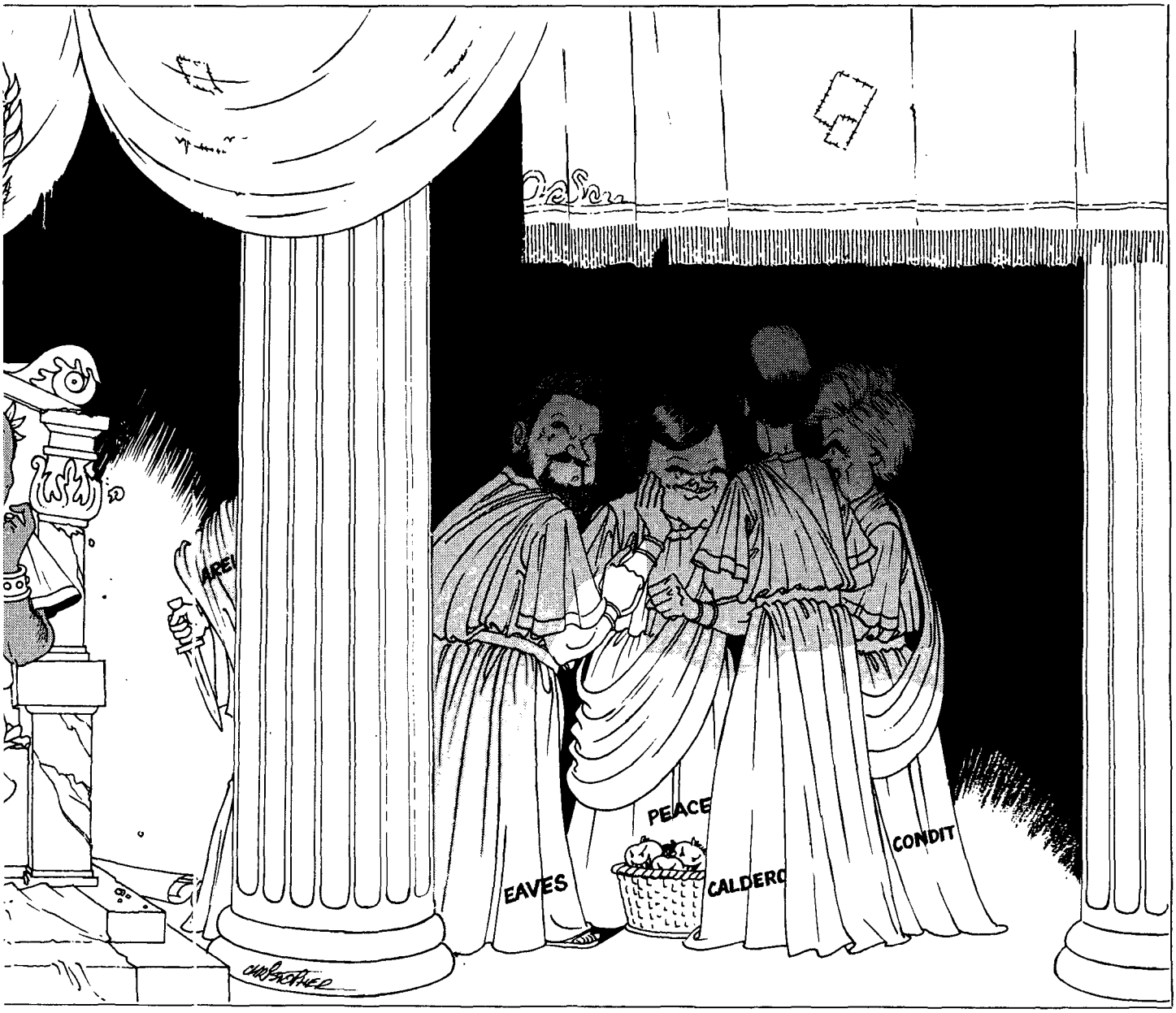

joying the Capitol night life that Brown himself made so prominent.

But something happened, although no one seems able to find one specific cause, that resulted in a break between Brown and the five. By most accounts, at least until the punishments were all but sealed, they had not committed the cardinal sin: plotting for the overthrow of Speaker Brown. But over a period of months they had engaged in behavior that broke the mores of the house by setting up their own power base and demanding that others — Democrats, Republicans and lobbyists — come to them if they wanted their legislation to succeed.

Contrary to much public perception, and his self-proclaimed but now-regretted remark that he is the "Ayatollah of the Assembly," Brown runs a very loose house. He is a "member's speaker" whose main goal is to keep the 79 other Assembly members happy, not to try and push his own political programs. In this atmosphere, compounded by the need to raise tremendous amounts of money for political campaigns, Brown allows his colleagues a great deal of latitude to pursue their own policy or political goals. All any member needed was a nod from an accommodating Speaker Brown that his or her agenda was not in conflict with some other goal of the Democrats. And since Brown had only one major goal — his reelection as speaker and a Democratic majority to support him — there was little that got in the way.

The Gang of Five were good players under this system. Three were on the Finance and Insurance Committee, two were on Governmental Organization (Condit was chairman) and three on Ways and Means. They were sometimes in a position to combine with Republicans to influence policy, even over the objections of Democratic colleagues. They also enjoyed the prerogatives of the majority party, and were protected by Brown when they landed in trouble. Two years ago, for example, Peace picked a very public, very personal fight with Democratic Senator Alfred Alquist, chairman of the Senate Budget Committee, but was protected by Brown when Alquist and the Senate sought revenge.

But at some point, in the minds of many Democrats, the behavior of the five passed beyond what was acceptable. Authors discovered their legislation was being amended in committee

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and bills they thought safely dead were being given new life on the floor. No one knew when they were safe from the whims of Gang members. Some caucus members saw special treachery in a letter from the Gang to Governor George Deukmejian urging him to appoint Fresno's Republican Senator Ken Maddy to replace Jesse Unruh as state treasurer. It looked to some like the five were trying to cut their own deal with Deukmejian in a way that would make it unlikely that the governor would have to deal with the rest of the Assembly's Democrats. Furthermore, some felt that Areias or Condit would gain personal advantage from Maddy's promotion, since one or the other might run for the then-vacant Senate seat. In the minds of some caucus members, the five had just become too unpredictable.

"Democrats are held together by agreement on procedure, not philosophy," said Democratic Assemblyman Pat Johnston of Stockton. "It binds the disparate elements of the party together. Once they violated the code of procedures, they violated the link that holds us together."

The five apparently went so far as to leave the impression with lobbyists that they had become a separate force to reckon with. Certainly Brown thought so. "They had become a third caucus," he said in a recent interview. "It was most blatant."

Still, Brown was reluctant to crack down. He put off action for a long time and might have done so forever, had not some members of the caucus insisted that the five be stopped. Some of the Gang blame these Democrats, naming Phil Isenberg of Sacramento and Maxine Waters of Los Angeles. "There was a whispering campaign against us," maintains Condit.

Pushed to act, Brown held a series

Steve Peace

Steve Peace was on the verge of having it all. At the height of his influence, the 35-year-old Chula Vista Democrat was chairman of a Finance and Insurance subcommittee, sat on three of the Assembly's best juice committees (Rules; Ways and Means; Finance and Insurance), served as Democratic whip, had a staff of 14 and a reputation for brilliant thinking and creative deal-making.

But the traits that helped propel Peace into a leadership role — ambition, intelligence, and an aggressive demeanor — also bore the seeds of his eventual destruction. According to many of his fellow Assembly colleagues, Peace is a brilliant strategist whose penchant for original thinking is undone by a volatile and erratic temperment that one member says interferes with his judgment.

"He got caught up in the desire to acquire," said one member. "His drive for this became insatiable, and he couldn't handle it well when he was eventually cut off, when Willie [Brown] finally said 'no.'"

According to some Democrats, Peace and Assemblyman Gary Condit first formed the nucleus of what became the Gang of Five. "They used to hound the speaker," said one member. "They'd always sit next to him in caucus. They'd wait for him after his last meeting of the day and spirit him off to [Frank] Fat's [restaurant], or to some party."

Another member says that Jesse Unruh, the late state treasurer, promoted Peace and Condit with Brown and his leadership team, urging the speaker to give the duo more power and responsibility. "They snookered Unruh," the member said.

Gradually, Peace and Condit drew three others into their orbit. But other Democrats consider Peace to be the group's strategist, whose brilliance and knowledge of how to use rules and personalities guides how the Gang operates in the Legislature.

His other traits, however, are acknowledged as one of the Gang's major flaws.

"He has a short fuse," said another Democratic assembly member. "His chemistry brings him close to apoplexy and his unrestrained behavoir pushes him over the edge."

According to lawmakers, Peace is given to angry outbursts that go beyond both legislative protocol and common decency. Last year, for example, he dressed down Gang of Five cohort Rusty Areias on the Assembly floor over Areias' sponsorship of a bill to roll back interest rates charged on credit cards.

"When Peace disagrees with you, he's very unpleasant," complained a Democratic member. "He doesn't just argue; he questions your intelligence, your judgment and your integrity."

"He's a mad genuis," said another member. "He's brilliant, but has a monstrous ego and the temperment of a five year old. He loses his temper at the drop of a hat. He really flies off the handle at times, throwing tantrums. You could say he's emotionally out of control."

Although Peace is seen as a brilliant mind, some members say his intellect is focused narrowly on the minutae and machinations of political game-playing, with no policy goal in mind beyond the acquisition of personal power. "He doesn't want to use that power to accomplish anything," worries one member.

Peace, however, is the philosopher in the Gang of Five. He argues that he is a member of the "radical middle" who aggressively pushes his moderate political philosophy. The times are more conservative, he says, and this is the position the Democratic Party should stake out, if it wants to succeed in the future. That point of view is what rankles the liberals in his own party, he argues.

In this viewpoint, he has some support from Democrats outside the Gang. "He seems to have an accute sense of his generation of baby boomers' discomfort with the Democratic Party," said one member. "He's basically a middle-class populist who is skeptical that social justice can be achieved through government. He believes that the Democrats lack a strong message to the middle class."

Peace's problem, that member added, is that his eagerness turns manic and insatiable. Peace has a tendency to "get in your face and stay there until he gets what he wants," the member said.

"I think this is the first time in his Assembly career that Steve Peace has had four friends at the same time," mused a Democratic member of the Assembly, referring to Peace's alignment with other dissidents in the Gang of Five.

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of individual meetings with the five, trying to lure them back into the fold. He at first punished only Peace, Condit and Calderon, hoping Eaves and Areias would get the message. But by this time, the five had taken a blood oath to stand or fall together, and that to change their methods would be to "compromise our integrity."

Brown saw it differently. "There attitude was, 'you won't touch us because we represent the swing votes for your speakership.' It was right out of Condit's mouth, 'Don't touch us, and we won't touch you.'"

It was only then that Brown exercised the full weight of his prerogatives as speaker, eventually stripping all five of nearly every committee assignment and leaving them will little to do but cast votes on the floor, plot for their own resurrection and for the day when Brown would no longer be in power.

And plot they did, and continue to do, both in private and in public. They cast themselves in the role of aggrieved independents, silenced by Brown because they dared cast votes of conscience — a claim that angers other members of the caucus who openly wonder where that collective conscience has been over the past years, when the five benefited from Brown's largess. Gang members insist they are not obstructionists. It was Brown and the liberals in their own party who had blocked action on insurance and other issues, resulting in a proliferation of ballot measures. The problems, insist Peace, began "because we began to win on a few issues."

Although on the outside, Peace says he is "a lot more comfortable now. I had a lot of explaining to do before."

Since their ouster from power, the Gang has proposed a series of "reforms" that would weaken the power of the speaker, most notably by making it difficult for him to remove anyone from a committee once an assignment had been made. They attempted to amend bills on the floor, and once issued a direct challenge to Brown by challenging his decision to waive the rule requiring an analysis of each bill up for a floor vote. It was defeated on a 66-5 vote.

They offered their reforms, which they said would help insure the independence of individual legislators from the pressures of the speaker and the caucus, a stance that may be playing well in their own districts.

"They drawl in their districts that

Gary Condit

To many Assembly Democrats, Gary Condit seems to be two distinct people. In his conservative, rural district centered around Stanislaus and Merced counties, Condit is the solid family man, father of two; a minister's son who made good in government; a pious persuader who evokes the Lord's message to preach on family values and carry the banner of moderate, agrarian conservatism. But in Sacramento, many members said, Condit is a flamboyant party boy who uses his prestige as an assemblyman to fuel a busy social life. He is, they say, a vain and egocentric dandy who frosts his hair and wears impeccably-tailored clothes.

"Gary Condit came to Sacramento for one purpose only," groused one Democratic member. "He came here to have a good time. He hasn't a whit of interest in policy or issues or problems facing this state. I haven't a clue what he stands for, and I doubt he knows."

It is a source of much irritation for many Democrats that someone perceived as having no substantive interest in state government nonetheless received so many perquisites from Speaker Willie Brown before Brown finally clamped down on the entire Gang of Five. Condit, for example, was chairman of a premier juice committee — Government Organization, which oversees lucrative special interests like the horse-racing industry.

So why is Condit involved with the Gang of Five? In fact, if his sole mission in Sacramento seems to be a search for the perfect party, why is he regarded as a leader of the Gang?

"Game playing is fun for him," said another member. "Because he doesn't stand for anything, and because he's safe in his own district, the game playing takes on a certain significance. It's fun. It's exhilirating. Plus, he's in this with four others who share his social agenda."

Condit has a more natural explanation for his tie with the other gang members. "We are friends, socially and politically." His fall from grace comes from his desire to push for some public policy issues when the "speaker's policy is to have no policy."

Others see a more sinister Condit, one who has an enormous strength of will and who uses the Gang for his own advancement to speaker of the Assembly. Condit denies this. "My role in this is not to be speaker. I don't care who the speaker is, as long as he believes in the reforms."

Condit is like a spider at the heart of the web, countered one member. "He's the one manipulating the other four by figuring out their needs. Peace has a need to be at the center of power, to be a player. Areias has a need to be thought of as smart. Eaves has a need for social acceptance. Calderon has a need for revenge." Condit has a hypnotic effect on people and a way of influencing them beyond rationale behavior, the member added.

Members accuse Condit of cultivating friendships only to use people for his own ends, then discarding them when they no longer serve a purpose. They warn that he'll do the same to the Gang once the Gang is no longer useful.

"You notice," said one member, "that he [Condit] is the only one of the five who has not been out front in this. He hasn't made any motions to withdraw. He hasn't done any of the dirty work. That's because he's pulling the strings, making the other guys do it."

Members complain that Condit, who turns 40 this month, has never shown much interest in public policy and does not generally work hard as a legislator. Many Democrats agree that Condit is not to be trusted, that his lifestyle and actions over the past few years brand him as a hypocrite.

"Suddenly," said one member, "he's for campaign reform. Suddenly, he's for banning the of transfer of funds between candidates. One or two years ago, he was running around putting the arm on everybody to give money to his brother's campaign for sheriff."

Condit's future as an assemblyman seems secure, nonetheless. Regardless of the fact that he now has no committee assignments and is personna non existence in the Democratic caucus, he does not have much to fear from Republicans in his Assembly district, while Democrats seem reluctant to challenge him on his home turf.

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they're just little guys trying do to right by the voters and there's this big, bad Willie Brown forcing them to sell out.... Nothing could be further from the truth," allowed one Democrat. "Now these guys are portraying themselves as reformers. It's too hypocritical for words. There is nothing here for these guys but their own greedy agendas...."

But if their activities have met with little initial overt success, they have exposed weaknesses in the Brown speakership, and they may have started a period of uncertainty and unrest that in the long run could be the speaker's undoing.

"Time is on our side," insists Peace. While he agrees that the group may not be trusted now, "over time we will convince them that we are sincere."

Even some of Brown's allies in the caucus worry that the five may have started a period of questioning that could eventually lead to trouble for the speaker.

In the past few years, Brown has occasionally had to worry about rumors that he was tiring of the job and thinking about his retirement. Not so long ago, the conventional wisdom was that he would stay only until the Democratic majority could complete the 1990 reapportionment plan; then he would step down. Those reading the tea leaves see proof that Brown is losing interest in his job because of his decision to affiliate with a Los Angeles law firm and win approval for himself as a bond lawyer. Recently, however, he has been saying he wants to stay in the job as long as possible and reminds interviewers that "as soon as you give a date, no matter how far in the future, you become a lame duck. I'm not going to let that happen."

The Gang of Five is not the only faction Brown must contend with in his own caucus. The faction with perhaps the most potential clout is an amorphous group known as the "grizzlies." The group's numbers and membership shift from time to time, but it has existed at least since the days of Leo McCarthy's speakership. Members include some of the "true liberals" in the caucus who also have a "good government" streak in their nature. They are known for hav-

Rusty Areias

Rusty Areias' participation with the Gang of Five seems to mirror some kind of Greek tragedy. He is regarded by his fellow Democrats as a legislator whose political heart is in the right place but whose naivete and lack of political instincts have led him into a confusing morass.

"I feel sorry for Rusty," said one member. "He seems to want to do good public policy and work for the little people, but he's in over his head. He seems confused over his loyalty to the other four."

Some members feel Areias hasn't totally grasped the ramifications of his — and the Gang's — actions. "To Rusty," said a Bay Area Democrat, "this is a little like the grammar school club that tried to take over the schoolyard. Nothing more. He's always saying things will work out without making you feel as though he understands the seriousness of the situation."

His colleagues say the 38-year-old Areias has come a long way as a legislator since his election in 1982.

"Rusty came into government with the least amount of experience of any of the four," said one Democratic member. "But he's a learner. He's seen over the years that if he is to be effective, he's got to work hard at substantive issues."

"He's matured substantially since he came here," said another member. "He's become a thoughtful lawmaker who's taken on some good-government fights on behalf of consumers."

Areias, many feel, was sucked into the Gang's orbit because he shares a strong social bond with the other four. He and Condit, especially, have long shared a love for parties and socializing, and have even vacationed together on occasion. "Rusty's with the Gang because of personal relationships and a willingness to go along," said one member.

Some are surprised Areias has stayed with the gang. On a number of issues he is more liberal than the others. And he took a bad thrashing from Peace on his bill to reduce consumer credit interest rates.

But some of the more disgruntled members of the Democratic caucus are not so charitable to Areias, a colleague who gained some small national fame last year by being named *Cosmopolitan* magazine's "hunk of the month."

Said one: "Rusty is a rich kid. He was born with a set of Porche keys in his hand, and is spoiled rotten. He was brought up being given everything: clothes, cars, money. This outlook on life has carried over into his legislative career. Unfortunately, in the legislative arena, you don't always get everything you want."

Said another: "He's an incredible whiner. Whenever he doesn't get his way, he whines and whines for months. A few years ago, Rusty wanted to chair the Transportation Committee, but [Richard] Katz got the assignment instead. Katz is an acknowledged expert in transportation, but Rusty is still pouting over it. He has never developed the capacity to take small defeats in stride and has no shame in acting like a child to get what he wants."

Areias was one of the last members disciplined by Brown, and caucus members remain surprised the two parted. "Rusty idolized Willie," said a caucus member. "When he was in San Francisco, he'd call him up and ask him where to eat. Willie always took the call."

Some members still consider Rusty a "soft" member of the Gang. Others aren't so sure. "There was a strong attempt made to peel Rusty away from the Gang," said one member. "But this didn't happen, and it didn't happen because Rusty is a lot tougher than most people give him credit for. He could be as naive and innocent as some people think, but he could also be the play-dumb country boy who lulls you to sleep before he takes you to the cleaners."

Whichever Rusty Areias is the real Ruty Areias, the Merced lawmaker seems to have continued to cultivate his relationship with Speaker Willie Brown while at the same time joining fellow Gang members to politically challenge the speaker. Even as the Gang trashed Brown in the press, according to one member, Areias showed up in Brown's outer office with several constituents who wanted to meet the speaker. Brown accomodated them, greeting Areias himself warmly.

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ing a greater concern with policy than with politics. The most prominent grizzly is Majority Leader Tom Hannigan of Fairfield, whose promotion to that leadership post a little over a year ago was seen as a way of tying that group more closely to Brown. The group contains nearly a dozen members, with maybe a half-dozen more who would be philosophically compatible.

One of the hallmarks of membership, though, seems to be something of a disdain for the internal politics of the Assembly — a factor which could keep the group from being a more potent player in any leadership struggle. It has certainly kept them from trying to have one of their own members topple Brown, although many complain about Brown's failure to push policy more strongly. Some consider him an impediment to their liberal agenda.

Hannigan is a good example of a grizzly who is reluctant to get involved in the rough-and-tumble of caucus politics. Although occasionally mentioned as a possible successor to Brown, Hannigan says he's not interested. "I just don't want to do all the things you have to do as speaker."

In fact, being mentioned as a possible speaker seems to be enough of a reason for parting with the grizzlies. Assemblymen Pat Johnston of Stockton and Isenberg are two who are occasionally mentioned as possible successors to Brown and, although philosophically and temperamentally compatible with the grizzlies, they are not counted among them. Isenberg, although not going so far as to say he is not interested, insists that "it won't happen." He is too close to Brown to be selected speaker. The next speaker will be someone who represents a cleaner break with the past. As for Johnston, he believes that Brown will be speaker for several more terms, and he thinks it's pointless to worry about such things now.

There are also among the Democrats conservative members who are not in the Gang of Five, including Assembly members such as Jim Costa, Norm Waters and Steve Clute who might presumably be interested in a speaker closer to them philosophically.

Finally there are substantial number of Democrats who don't seem to care much about who will be the speaker but are intensely interested in what will happen to themselves in any new alignment. These people can be expected to go with whomever appears to be the winner of a future speakership fight.

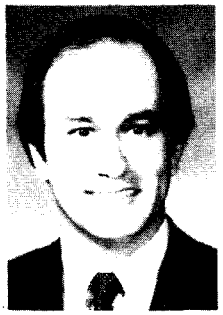
The Gang of Five believe this factionalism and uncertainty work to their advantage. Even if most of the house still supports Willie, they argue, even his friends have to be thinking about contingency plans, just in case some serious challenge gets going.

Willie backers insist the Gang wants to promote one of its own membership to become speaker, and the name most often mentioned is Condit's. Condit insists this is not so, but other members of his group, in private, say he has the most political skills and is the most likely to make the challenge.

Also playing a potentially significant role are the Assembly's Republicans. Brown is currently dependent on them to maintain control of the house, and rumors are rife that the Gang members hoped to cut a deal with the Republicans to have one of their number named speaker.

Minority Leader Pat Nolan, and Gang members, deny that there was any serious talk of such a switch. Until Republicans can win a majority in the Assembly, Nolan says he is just as happy to have Brown as speaker. For one thing, Brown has let Nolan control much of the Republican's activities, including the selection of Republicans to serve on

Chuck Calderon



Assembly Democrats seem more bitter and disappointed toward Charles Calderon than toward any other member of the Gang of Five. The 38-year-old Montebello Democrat is talented and hard-working, Democrats say, but has used those talents to front for lucrative special interests, especially the insurance industry.

"Chuck can make things happen," said one member. "Look at the interstate banking bill. He worked hard. He learned everything there was to learn about interstate banking. And he made acceptable an issue that couldn't get out of committee when Dick Floyd (a Gardena Democrat) had it. Now, it's the law, and it benefits people."

Friends and former friends have also noticed a change in Calderon's demeanor over the past few years. Regarded as friendly, and with an infectious laugh, Calderon, they say, has become increasingly bitter toward Speaker Willie Brown.

"I can trace this bitterness directly to his not getting the (Assembly Finance and Insurance) subcommittee on workers' compensation about three or four years ago," said one member. "Ironically, that assignment went to (Steve) Peace. The bitterness was compounded when (Calderon) was passed over for chairman of F and I in favor of Pat Johnston back in 1986. He thought Willie screwed him. He was absolutely unable to see that he didn't get those assignments because of his cozy connection with insurance interests."

"It would have been totally irresponsible for Willie to have made (Calderon) chairman of F and I, given his inability to say 'no' to insurance interests," said another.

Said another Democratic member of the Finance and Insurance Committee: "It got very bad (in committee) toward the end of last year. You just didn't know if he had cut a private deal (on a pending bill) somewhere. He was unpredictable. You couldn't trust him because he'd point-blank lie to you."

Calderon, of course, sees things differently. His interest in insurance comes from a genuine concern with the problem. It is the speaker who is the captive of the state trial lawyers. "His policy is to have no policy at all," laments Calderon.

Sources within the Democratic caucus say Calderon was drawn into the Gang's orbit out of a lust for revenge against the speaker, and say he is perhaps the most bitter of all the Gang. Some Democrats characterize him as a complainer who bears a grudge far beyond what is acceptable in the Legislature.

"Chuck feels he was never properly rewarded by Willie for his work on behalf of the caucus," said one member.

"Man, it seems like he was rewarded," added another member. "He had a lot of staff. He had good committees. He just didn't get everything, so he thought he had nothing. Well, now he's got nothing."

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committees. For another, Brown's leadership style gives Republicans substantial maneuvering room: He tries to make Republicans almost as happy as Democrats. Finally, Brown makes an inviting election-time target for Republicans. Another Democrat may not be as useful.

Nolan is also wary of the permanence of any alliance with the Gang, fearing that they would only use the opportunity to oust Brown and then form a new speakership that would be totally under control of the Democrats. That, of course, is what Brown did to win power, joining with Republicans in the wake of the fight between then-Assemblymen Howard Berman and Leo McCarthy, to win the leadership post. He then dumped the Republicans when he solidified support within his own caucus.

Nolan has also undergone some changes during his 10 years in the Legislature. He started out something of a brick-thrower himself, but since gaining leadership of the minority caucus has turned into a leader much in Brown's mold. The two, although very different in philosophy, have in common a feeling about how the house should operate.

There is also considerable outside pressure on Brown, pressure that can at times be felt by the other members of his caucus. Criticism of the enormous cost of legislative campaigns, and the corollary that it leads to a corruption of the political process, is unabated. Two reform proposals are on the June ballot, both are opposed by Brown although one is almost identical to legislation he once sponsored. Other pressing issues such as insurance and workers' compensation continue to elude legislative solution. As much as Brown would like to ignore the Gang's impact, its existence will make solutions to any complicated issue more difficult.

Furthermore, some of Brown's Democrats could be facing difficult reelection battles. If the elections go badly for Brown, and if he is blamed for a loss or two, even he concedes it will be difficult for him to remain as speaker.

Between now and the adjournment of the Legislature next Fall, the Gang will continue to play havoc with the operation of the Assembly. They insist that they have allies among the rest of the Democrats, although they will not identify them.

And there is the distinct possibility that at some point they will move to vacate the chair. Such a motion would declare that Willie Brown is no longer speaker. The beauty of this tactic is that it can be done without the need of settling just who the next speaker should be. Gang members believe such a motion would put pressure on Republicans, who for years have been claiming Brown is evil incarnate, to vote for Brown's ouster. Even though they concede that some Republicans would continue to support Brown, those who want him out could combine with the Gang's still unidentified cohorts among the Democrats to form a new Assembly leadership. Presumably, Gang members would have a major role in this new regime.

But the Gang is at a distinct disadvantage when it comes to this strategy. No one is better than Willie Brown at knowing what it is each member of the Legislature really wants, and at making that wish come true.

After the elections, when the Legislature returns for its organizing session in December, things could be different. At that point, if the gang is still estranged from the rest of the Democrats, Brown will have to go to Pat Nolan for the votes he needs to become speaker. Nolan no doubt will extract a price for this support, a price that may prove hard for some of the regular Democrats to swallow. Presumably for at least a faction of the Democrats, there comes a time when the price of keeping Brown in power is too great. It would be at that point that a new Democratic leader could emerge, one who can command the votes of the regulars and Gang members as well. If so, Peace could ultimately be right: Time is on the side of the five.

Willie Brown's skills as a politician of the house should not be underestimated, however. The Gang's challenge has only renewed Brown's interest in his job as speaker. "It's a better challenge. It just puts me to work."

Gerry Eaves

"Gerry Eaves has perhaps the purist motive for being involved with the Gang," said a member of the Assembly Democratic caucus. "He's not in this because of any grand agenda to grab power but because of his strong friendship for the other four."

In fact, Eaves' involvement with the Gang is the source of the greatest mystery for his fellow Democrats. They regard him as a thoughtful, hard-working colleague whose greatest strength — loyalty — has, in this case, become his Achilles heel. Clearly, others in the Assembly do not regard him as a leader of the Gang, but as a follower who apparently sees his "blood oath" to the Gang as more important than the health of Willie Brown's speakership or the Democratic caucus.

Eaves agrees that his primary motive is loyalty. "Willie tried a number of different ways to get us to split up. That's where he made his mistake. He thought he could bring me...back. But it was based on personal relationships. We told him going in, if he was going to do something to one of us, he might as well do something to all of us."

Some in the caucus find the tie strange, because in many ways Eaves is very different than the other Gang members.

"He does his homework and knows his bills," said a Southern California Democrat. "He's thoughtful, almost meditative. A nice guy. I have no idea why he's so deeply enmeshed with these guys."

Said another: "He was drawn to the Gang because they're basically conservative, and he's basically conservative. He probably sees the rest of the Democratic caucus as a bunch of professional liberals, and he knew he didn't fit in with that group."

But another member offered yet another explanation of Eaves' involvement with the Gang: "When Gerry Eaves came up here, he was overweight, a middle-aged, blue-collar kind of man who came out of a blue-collar area [Rialto]. Suddenly, he's taken in by four members who seem to be running their own agenda, and one that's more conservative than the leadership's agenda. Plus, two of those members are party animals who seem to spend every night in the company of good-looking women. They get him access to the speaker. They get him good committees. They get him access to a social scene he never even dreamed about. Hey, loyalty bonds have been formed over a lot less."

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A CALIFORNIA JOURNAL ANALYSIS:

JUNE 1988 BALLOT PROPOSITIONS

REPRINTS

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PROPOSITION NUMBERING

In 1933 the Legislature passed a law requiring that ballot measures be numbered consecutively from election to election, starting with November 1982. Previously, each election got its own set of proposition numbers starting with 1. But the system proved confusing. If you say "Proposition 13," do you mean the tax-cutting proposal of 1978 or the water-conservation proposal of 1982? Since 1982, 65 propositions have appeared on various ballots, thus the current crop begins with number 66. It will continue this way for 20 years, so the next Proposition will be in 2002.

66 ELECTION OF COUNTY ASSESSORS.

Background: During the past few years, voters have passed ballot measures requiring that sheriffs (Proposition 6, 1978) and district attorneys (Proposition 59, 1986) be elected rather than appointed by a county's board of supervisors. Proposition 66 extends this constitutional guarantee to the position of county assessor. California has two kinds of counties: general-law, which are subject to laws adopted by the state Legislature; and charter, which have locally-adopted charters and constitutions. Currently, all county assessors in California are elected, although a charter county board of supervisors (or the Legislature for a general-law county) could require that its assessor be appointed.

Proposal: Sponsored by Democratic state Senator Barry Keene Proposition 66 is a legislative constitutional amendment that requires that assessors be elected in both general and chartered counties.

Arguments for: Senator Keene, Senate Minority Leader Ken Maddy and Virginia Loftus, president of the California Assessors' Association, argue that all county assessors should be elected and not appointed to ensure that the office remains independent and free from the influence or control of other elected officials. The proponents say that since assessors are responsible for providing objective and fair tax assessments, the office should be accountable to the people, and not to other public officials.

Arguments against: Although there is no organized opposition to this measure, attorney Gary Wesley argues that the assessor's job does not have the same kind of relationship to a board of supervisors as does a sheriff or district attorney, since the latter officials may, at some point, be called upon to investigate and/or prosecute supervisors, and have broad discretion under the law to do so. The assessor's sole purpose is to compute taxes. Wesley argues that the issue does not concern the actual election of the county assessor, but the requirement that the county assessors be elected in every county even if voters in a specific county want an appointed assessor. He maintains that local voters in the charter counties, and the Legislature in general law counties, would be stripped of the authority to decide whether the county assessor would be elected or appointed.

67 SECOND DEGREE MURDER.

Background: Peace officers have been slain at what some officials believe is an alarming rate during the 1980s. Many of these killings have drawn much attention in the media, including the February 1988 slaying of a Sacramento sheriff's deputy during a manhunt. Since 1980, more than 50 police officers have been murdered in the line of duty. Because the slaying of a police officer often takes place during a shoot out, and therefore is not premeditated, a felon is likely to be tried for second-degree murder — a conviction that brings with it lesser penalties than a charge of first-degree murder.

Proposal: Proposition 67 is a legislative statute, sponsored by Democratic state Senator Robert Presley of Riverside, that increases the minumum term for second-degree

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murder from 15 years-to-life to 25 years-to-life for cases in which the victim was a police officer engaged in the performance of his or her duties. The measure would also prevent such prisoners from having their sentences reduced for good behavior.

Arguments for: Proponents of the measure — Presley, Los Angeles County Sheriff Sherman Block and Attorney General John Van de Kamp — argue that penalties should be stiffer and that there should be no leniency when a criminal kills a police officer. Thus, they say, the minimum penalty for second-degree murder needs to be increased so that front-line officers are protected. Citing 50 front-line officers killed in violent assaults between 1980 and 1986, proponents argue that murder among officers is increasing while their killers are set free after 10 years because of good behavior.

Arguments against: Democratic Assemblyman Robert Campbell of Richmond and the former Attorneys for Criminal Justice President Richard Hirsch argue that the measure does not protect all peace officers, does not increase the possible penalty for murder, but does remove the incentive for good behavior and denies the prisoner participation in work programs. They say that the issue is not whether peace officers should be protected, but whether the punishment for non-premeditated second-degree murder of a peace officer should be stricter than the punishment for first-degree murder.

68 LEGISLATIVE CAMPAIGNS. SPENDING AND CONTRIBUTION LIMITS. PARTIAL STATE FUNDING.

Background: In 1976 candidates for the California Legislature accumulated $7,322,603 in campaign funds. That averaged $32,400 for each of 226 candidates running for 100 jobs (80 Assembly; 20 Senate). They spent slightly more — $7,668,970, or $33,933 each. Ten years later, legislative candidates raised $29,027,658 — an average of $151,186 for each of 192 candidates. That increase is 467 percent per candidate. They spent an average of $176,195, up 519 percent since 1976.

As the cost of running for office skyrockets, fund raising has become more and more important for incumbent lawmakers and their would-be opponents. Fund-raising techniques have become more sophisticated. But megacash is not raised at neighborhood tea parties or celebrity softball games. Nor does it come from a handful of wealthy, altruistic individuals who merely want to participate in the political process. Hundreds of thousands of dollars are needed by challengers to effectively take on an incumbent lawmaker or statewide official. Those incumbents in turn require huge campaign warchests to ward off potential challenges.

To amass that kind of money, lawmakers have courted those who could pony up and pony up often — special interests. For their part, groups of bankers, developers, gun owners, sport fishermen, insurance companies, labor unions, wool growers, grocers, trial lawyers or doctors see an opportunity to influence the course of legislation — and regulation — by funneling large chunks of cash to their favorite lawmakers' campaigns.

But many on both sides of this money trough have grown grumpy. Lawmakers increasingly find the task of begging campaign contributions to be demeaning. Special interests, and their lobbyists in Sacramento, have wearied of what many perceive is an annual shakedown for cash by lawmakers. Not that this distaste has greased the path toward reform, for annual reform proposals introduced in the Legislature barely survive being assigned a bill number. An exhaustive study of the problem and potential solutions by a blue-ribbon panel of private citizens produced barely a ripple of interest in 1986.

Generally, Republicans and Democrats differ on how best to gear down an engine out of control. Democrats, who tend to represent low-wealth constituencies, would like to curb the influence of special interests by turning to public financing of campaigns. Republicans, whose constituencies tend to be more well-heeled, decry public financing and would instead limit the amount that could be raised and spent during a campaign.

With reform bogged down in the Legislature, proponents of change have taken to the initiative to attempt to force reform on reluctant lawmakers. The most recent effort was put on the ballot in November 1984 when GOP Assemblyman Ross Johnson sponsored Proposition 40 (see *CJ*, September 1984). But Johnson was penniless and when legislative leaders joined a wide array of interests like the Chamber of Commerce to bankroll the opposition, his measure was blown away by voters.

Still, the effort continues. Common Cause and other public-interest groups attempted to place a measure on the ballot in 1986, but a squabble over signature counting caused the proposal to be postponed until this year, where it appears as Proposition 68. Another campaign-reform measure, sponsored by a trio of lawmakers, also appears as Proposition 73.

Proposal: Proposition 68 attempts to deal with some of the more pressing problems concerning campaign finance. It limits the amount of money that individuals and special interest groups can give for any one election and during any one calendar year, bans fund-raising activity during non-election years and bans transfers of campaign money from one candidate to another. In addition, it sets up a limited form of public financing of campaigns.

To accomplish public financing, the initiative would establish the Campaign Reform Fund, financed by a voluntary check-off system on the state income-tax form. Money — three dollars per taxpayer — would be available as matching funds to candidates who agree to certain campaign-spending limitations.

In addition, Proposition 68 limits the amount of money that legislative candidates can spend, contribute or loan. Candidates are limited to $1000 from individuals per year; and $2500 from organizations per year. Small-contributor political action committees (no more than $50 from any one person in a given year) can give each candidate no more than $5000 per year. Legislative caucuses and political parties are limited to $50,000 per candidate, per year for the Assembly; $75,000 per candidate, per year for the Senate. Fund raising during non-election years would be banned, as would transfers of campaign funds from one candidate to another. The measure also limits the amount of money that can be contributed to committees that support a candidate. None of these limits applies to candidates for statewide office.

Proposition 68 also limits the amount candidates can spend on state legislative races, but the system for determining how much can be spent is complex. When candidates declare their intent to run, they also declare their acceptance or rejection of money from the Campaign Reform Fund. If a candidate accepts public matching funds, he or she must abide by certain spending limitations: Assembly candidates are limited to $150,000 in a primary and $250,000 for a general, special or run-off election. Senate candidates would be limited to $250,000 for the primary, $350,000 for the other elections.

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If a candidate decides not to accept public funds, the spending door is open and he or she may fork out as much money as he or she can raise. Obviously, no candidate would voluntarily limit spending if his or her opponent was spreading around money like a Pentagon purchasing agent. Thus, the spending door is open for every candidate in that particular race and spending limits no longer apply, although candidates who said they would abide by spending limits may continue to collect matching public funds. As an added kicker, those candidates also receive an additional $35,000 in Campaign Reform Fund money, over and above contribution limits.

Basically, only small contributions qualify for matching funds — those of $250 or less. The Campaign Reform Fund will dole out $5 for every $1 of contribution received from a donor who is a registered voter from the candidate's district. The Fund will pay $3 for every $1 received from other donors. Again, no matching funds will be paid out for contributions that exceed $250. The maximum available to any one candidate is $75,000 for an Assembly primary race; $112,500 for the general election. For a Senate candidate, $125,000 is available for the primary, $175,000 for the general. In addition, candidates must meet certain fund-raising criteria before qualifying for matching funds: at least $20,000 in contributions of $1000 or less for Assembly; $30,000 in contributions of $1000 or less for the Senate.

Arguments for: Proponents — Common Cause Executive Director Walter Zelman, the League of Women Voters of California, and UCLA law professor Daniel Lowenstein — argue that campaign spending has skyrocketed out of control and that politicians are spending over a million dollars a year to get elected. They argue that politicians accept this large amount of money from a small group of wealthy special-interest lobbyists with a financial stake in legislative decisions. In order to decrease wasteful spending and elected officials' dependence on special interest money, they maintain that campaign contributions need to be limited. In addition they say that taxpayers should be allowed to designate $3 of their income tax without increasing their taxes. In this manner, they argue, political officials would be more accountable to taxpayers rather than to wealthy special interest groups.

Arguments against: Opponents of the initiative — including the former executive director of the California Fair Political Practices Commission, John Keplinger, and Alice Huffman, president of the Committee to Protect the Political Rights of Minorities — argue that Proposition 68 is loophole ridden. They question whether elected official dependence on special interest money will end if, as in Proposition 68, politicians are allowed to use special interest contributions to qualify for matching taxpayer dollars. They also argue that special-interest candidates, single issue groups, and extremist organizations such as the Ku Klux Klan would exploit this measure by using tax dollars for their causes.

69 ACQUIRED IMMUNE DEFICIENCY SYNDROME — AIDS.

Background: Two years ago, supporters of Lyndon LaRouche placed a highly controversial initiative on the November ballot. That measure — Proposition 64 of November 1984 (see *CJ* October 1986) — drew a wide range of opposition, including that of U.S. Senator Alan Cranston and his GOP opponent, Congressman Ed Zschau; Governor George Deukmejian; and prominent members of the state's medical and hospital communities. In addition, Secretary of State March Fong Eu sued to have misleading language stricken from the official ballot pamphlet. Voters rejected Proposition 64 by a margin of nearly three-to-one. Since 1986, however, the AIDS epidemic has spread throughout the state and known cases of AIDS in California have risen from 5000 in 1986 to 11,991 as of the end of February 1988, with 6631 reported deaths. And now, LaRouche supporters are back with another initiative, much the same as their previous effort.

Currently, AIDS cases are reported to the state Department of Health Services under a regulation classifying the disease as "unusual." This measure would toss out that designation and classify AIDS as a communicable disease, thus allowing AIDS sufferers to be isolated and/or quarantined. DHS would also maintain a list of persons affected with AIDS.

Proposal: Proposition 69 would declare AIDS to be an infectious, contagious and communicable disease, and the condition of being a carrier of any AIDS-causing viral agent to be an infectious, contagious and communicable condition. It requires the Department of Health Services to add Acquired Immune Deficiency Syndrome to its list of reported diseases and conditions. The measure would require quarantine and isolation for those persons infected with the disease in accordance with statewide health regulations. Department of Health Service officers would be given authority to enforce these regulations.

Arguments for: The proponents of this measure, California Director of the National Democratic Policy Committee Kushro Ghandi, Dr. John Grauerholz and Lyndon LaRouche argue that HTLV-III or AIDS is out of control. The number of cases in 1985 was approximately 500,000, doubling every six to 12 months. Even though they say the doubling rate has slowed down to every 24 months, they argue that at least one million people are infected with the virus. Moreover, those infected individuals are not only those in the "high risk" categories — gay men and intravenous drug users. Proponents also maintain that although AIDS is proven to be communicable, politicians and special interest groups have endangered the public by passing laws that prohibit doctors from disclosing AIDS infection status to health authorities. The proponents also argue that there will be no increased costs to the taxpayers unless the initiative is interpreted by the Legislature as having added control measures.

Arguments against: Opponents — led by California Medical Association President Laurens White; the president of the California Nurses Association, Marilyn Rodgers; and the California Association of Hospitals and Health Systems — argue that quarantine and isolation of those infected with the virus will not limit the AIDS problem but prolong the spread of the disease. They maintain AIDS sufferers will be driven underground since people, worried that they will be socially isolated or lose their jobs, will avoid testing. In addition, they say health department enforcement of this measure could cost taxpayers billions of dollars in the form of unnecessary mandatory testing and quarantine. Opponents conclude that since AIDS is not transmitted by casual contact, mandatory testing would serve no medical purpose, but instead increase costs to the taxpayer.

70 WILDLIFE, COASTAL AND PARK LAND CONSERVATION BOND ACT.

Background: Some sort of bond proposal dealing with parkland or park acquisition has been before voters in the last two June primary elections (Proposition 18 in June 1984

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and Proposition 43 in June 1986). However, those two proposals were placed on the ballot by the Legislature. Proposition 70, on the other hand, is the first bond measure ever to be placed on the ballot through the initiative — or signature-gathering — process. Proponents took this route after the Legislature defeated three park bond proposals in 1986. Plus, proponents feared they would not fare much better in 1987 or 1988 given the large number of legislative bond proposals pending for such things as prison and highway construction, school facilities, low-income housing and libraries.

Proposal: Proposition 70 is an initiative statute that provides a general-obligation bond issue of $776 million for the acquisition, development, rehabilitation, protection, and restoration of park, wildlife, coastal and natural lands in the state, including lands that support endangered or unique plant or animal species. The measure authorizes the Department of Parks and Recreation, the Wildlife Conservation Board and the State Coastal Conservancy to administer most of the funds from bond sales. Funds would also be made available to state and local agencies and non-profit organizations.

Arguments for: Led by U.S. senators Alan Cranston and Pete Wilson, Lieutenant Governor Leo McCarthy, and including a number of conservation, civic and business organizations, the proponents argue that California's wildlife, coast and parklands could be lost if not protected against the impact of a growing population. In addition, they maintain that California's largest industry is tourism and that the measure protects this industry and the jobs associated with it. They conclude that not only will the measure protect tourism, but preserve and protect threatened resources and endangered species for future generations.

Arguments against: Opponents — led by Democratic Assemblyman Steve Peace of Chula Vista, Republican Assemblyman Trice Harvey of Bakersfield, and Henry Voss, president of the California Farm Bureau Federation — argue that the park-bond initiative is too expensive. They maintain that since 1926, numerous park bonds have been passed and that the total amount spent for parks since that time is $1.6 billion. Proposition 70 increases that 62-year total by 50 percent in one vote.

Opponents also object to the fact that less than 10 percent of the money is to be spent specifically for the development of present state parks and lands. The rest, they argue, may be used for acquisition of lands and not for the development or restoration of present parkland. They also maintain that the total cost to the State General Fund budget could exceed $1.3 billion, due to interest payments that must be made over the 20-year life of the bonds.

71 STATE AND LOCAL APPROPRIATIONS LIMIT ADJUSTMENT. Government Spending Limitation and Accountability Act of 1988.

Background: When voters passed the Paul Gann-sponsored Proposition 4 back in November 1979, they placed a limit on how much state and local government could spend in California. Spending was confined to the amount spent in 1978, adjusted annually for population growth and inflation. If state revenues exceeded the amount the state could legally spend, the excess was to be given back to taxpayers. Until 1983, however, high inflation and growth rates kept state spending well below the limit. After 1983, inflation slowed dramatically and state spending began to close in on the limit so that by 1987, state revenues actually exceeded it, forcing a rebate to taxpayers. Meanwhile, fiscal experts complained that, short of a major economic downturn or a dramatic rise in the inflation rate, the limit eventually would force cutbacks in state programs.

Voters, of course, have the right to alter the formula which controls the limit and thereby give the state the ability to spend more money. Proposition 71, an initiative constitutional amendment, would change the calculation base for determining inflation and would redefine population growth. Instead of relying on the lesser change in either the national Consumer Price Index or California Personal Income, the calculation for determining inflation would be based on the greater change in either the California CPI or per-capita personal income. This change, say proponents, would more accurately gauge California economic growth. The change should also raise the Gann ceiling by redefining population growth to include increases in school enrollment, residents and persons employed, thus allowing the government to spend a lot more money.

Proposal: Proposition 71, if enacted by voters, would redefine the calculation of economic growth in California by changing the base upon which expenditure adjustments are made. The base would no longer use the National Price Index, but rather the California Price Index or per-capita personal income, whichever is greater, to calculate economic expenditures. The measure also makes the state appropriations limit more sensitive to population increases by redefining state population to include increases in K-12 or community college average daily attendance that are greater than state population growth. The measure additionally redefines government population growth to include increases in residents and employed persons. The measure would require the Commission on State Finance to make annual reports available to the public concerning state appropriations and monies spent.

Argument for: Proponents — led by Carol Federighi of the League of Women Voters, Helen Lindsey of the California State PTA, Ed Foglia of the California Teachers Association and Larry Malmberg of the Peace Officers Research Association of California — argue that because of increased school enrollment, the growth of the state economy, overburdened prisons, traffic problems, and unanticipated problems such as AIDS, the existing Gann appropriations limit does not allow the state to spend already-collected taxes on these types of problems. They maintain that, according to the Commission on State Finance, if the Gann limit is not updated, $23 billion in cuts will be made from current service levels over the next 10 years. In addition, they maintain that this measure would not raise state or local taxes but use already-collected taxes to deal with critical problems. They conclude that adjustments made by the California Price Index or per-capita income would better reflect the real growth of California's economy than the national standard, would also better reflect the needs of California citizens, and would hold government accountable to taxpayers.

Arguments against: Proposition 4 author Paul Gann, John Hay, president of the Chamber of Commerce, and others argue that the measure will allow government spending to increase at approximately twice the rate of the present Gann limit without guaranteeing that education, roads, prisons, or other essential needs would receive money from these funds. They maintain that the measure instead gives the Legislature a blank check to spend billions of dollars any way it wants — more welfare, more boondoggle, more bureaucrats and higher salaries. They believe that if the proposition is passed, larger

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salaries and pensions will first go to public-employee unions. The Gann limit intent was to increase government spending with the rise in population and inflation, preventing wild spending by politicians. They maintain that there will be increases in taxes and public spending.

72 EMERGENCY RESERVE. DEDICATION OF CERTAIN TAXES TO TRANSPORTATION. Appropriations limit change.

Background: Like Proposition 71, Proposition 72 attempts to alter the state appropriations limit. But rather than change the formulas upon which the limit is calculated, proponents of this measure — including the limit's author, Paul Gann — want to create more spending by declaring that some revenues don't count toward the limit. In this case, sales taxes from vehicle and motor fuels would be exempted.

The measure also attempts to make Governor George Deukmejian's "prudent budget reserve" a part of the constitution. For the past five years, the governor has included a $1 billion reserve fund in his annual budget. But the size of the reserve and pressure to spend the emergency fund on other state programs have been an annual source of contention between the governor and the Legislature.

Proposal: Proposition 72 requires that 3 percent of the total state general fund budget be included in the reserve set aside for emergencies and economic uncertainties; that net revenues from state sales and use taxes on motor vehicle fuels be used only for public streets, highways and mass transit guideways; and that both the reserve and fuel revenues be exempt from the Gann appropriations limit. The measure does not reduce the Gann Limit, but exempts "user fees" from the limit. Currently, that revenue goes into the state general fund to pay for a wide range of state programs. Should the measure pass, that money would be lost to the general fund. A partial protection for other programs comes from the 3 percent reserve.

Argument for: Proponents of this measure, authored by Paul Gann and Joel Fox, argue $700 million per year from use taxes on motor vehicle fuels should be used to maintain the highways. Citing the growing California population and the increased instances of highway gridlock, proponents maintain that passage of Proposition 72 will ensure the safety of our highways. The proponents also maintain that 3 percent of the general fund should be on reserve to protect schools, law enforcement and other state programs from loss of funding when user fees are dedicated to transportation. The proponents argue that there will be no increase or additional taxes as a result of this measure.

This ballot book was written and edited by the staff of California Journal. *The data was compiled by* Journal *intern Lisa Winstead.*

Argument against: Opponents — led by State Superintendent of Public Instruction Bill Honig, state PTA President Helen Lindsey and the leader of the California Association of Highway Patrolmen, Tom Noble — argue that the measure benefits only big developers and politicians. They say that $700 million would be taken away from the general fund, and that this money could be used to pay for schools, law enforcement, health care, and seniors. In addition, they say the measure would give the governor more money to spend every year.

73 CAMPAIGN FUNDING

Background: Proposition 73 attempts to address one issue not dealt with by Proposition 68 (see above) — honoraria to elected officials. As more and more attention is focused on the amount and timing of campaign contributions to incumbent lawmakers, some special interest groups are flexing their clout by inviting friendly legislators to speak to gatherings of bankers, prison guards, et al. For these speeches (or, in many cases, merely an appearance) the special interest group will present the lawmaker with a nice chunk of pocket change. The money does not represent a campaign contribution that has legal strings tied to how it must be spent; it is income and may be spent as the lawmaker sees fit. Some lawmakers earn more each year in honoraria than in salary. Speaker Willie Brown, for example, earned over $100,000 from honoraria in 1987. GOP Assemblywoman Sunny Mojonnier was given a one-shot check for $10,000 from the California Correctional Peace Officers Association in 1987, as a gesture after Mojonnier cast a vote friendly to the union.

Proposal: Proposition 73 is the second campaign-reform initiative on the June ballot. A statute, Proposition 73 is much less complex than its cousin. Basically, the measure limits political contributions from individuals, political committees, political parties, and broad-based political committees. It also limits the amount of money that lawmakers can earn from honoraria. Unlike Proposition 68, however, this proposal prohibits the use of taxpayer money to finance political campaigns.

Political contributions to a candidate are limited to $1000 from each person, $2500 from each political committee, $5000 from a political party and each "broad-based" political committee — those committees whose 100 or more contributors give to at least six candidates. Honoraria to elected officials would be limited to $1000 from each single source per year. In addition, the measure prohibits transfer of funds between candidates or their controlled committees. The measure also prohibits mass mailing at public expense.

Arguments for: Proponents — state senators Quentin Kopp and Joseph Montoya, Republican Assemblyman Ross Johnson, and others — argue that their measure prevents the use of public money to finance political campaigns. They say that public finance, as proposed in Proposition 68, could cost taxpayers $70 million every two years — money better spent for police protection, fire protection or schools. In addition, they argue that taxpayer money could be given to extremist candidates like communists or members of the Ku Klux Klan. They also argue that campaign spending must be brought under control, and the best way to do that is to limit the amount that private individuals, business, labor unions, and political action committees may contribute to a campaign. Therefore, the influence of special interest groups that donate large amounts of money would diminish, they say.

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Arguments against: The opponents — including Walter Zelman of Common Cause, California Tax Reform Association chairman Roy Ulrich, and the former head of the California Fair Political Practices Commission, Tom Houston — argue that this proposition will not accomplish campaign reform or reduce the influence of special interest groups, but will prevent future campaign finance reform. Opponents argue that if the use of public funds is banned, candidates are not accountable to taxpayers and will still be influenced by special interests. In addition, they say the reform only limits campaign contributions but does not limit gifts of money to committees for the candidates.

74 TRANSPORTATION BOND ACT OF 1988

Background: Proposition 74 is perhaps the most controversial bond measure passed by the Legislature this year. Not only does it bear a $1 billion price tag, but Proposition 74 alters the state's long-time method for funding highway construction. Traditionally, highways have been paid for by the people who use them, through fuel taxes. The state's vast system of interstate highways has been funded in large measure by federal money. But the constant demand for new and improved roads and highways has exceeded the state's ability to pay for them given the current fuel tax rate. Compounding the problem is the imminent completion of the federal interstate system, and a phase out of the money used to build it. Thus, the state must assume a greater financial burden for its own highways.

Governor George Deukmejian has been steadfast in his opposition to an increase in fuel taxes, and it was he who proposed Proposition 74 as an alternative. Although many lawmakers privately disapproved of the transportation bond, the governor agreed to sign Democrat-sponsored bond measures for such things as housing for the homeless and libraries if Democrats swallowed his transportation bond. The governor also has hinted that he will propose a similar transportation bond for 1990.

Democrats, wary that Deukmejian would get his transportation bond (and another one for prison construction in November) then veto their measures later in the year, put together a package of bond proposals for low-income housing, water quality protection, water system rehabilitation, toxic waste cleanup, library construction and higher education for the November ballot. They then tied passage of those measures to Deukmejian's transportation and prison bonds and ran the entire package through the Legislature. The result was a package that few lawmakers felt comfortable voting for; many said they were voting "aye" "while holding their noses."

According to the legislative analyst, the funding pickle arose because the state does not have a specific highway policy; its spending pattern traditionally followed federal priorities. As a result, much of the state's money has gone toward building huge, urban multi-lane freeways, with little money dedicated to constructing or improving other kinds of roads. This has been especially harmful in suburban areas around the San Francisco Bay area, Los Angeles County, San Diego and burgeoning cities of the Central Valley. As a result, local governments and private developers have taken on more than $1.1 billion worth of improvements such as widening freeways, building ramps and freeway interchanges and making local highway improvements, often passing the cost on to citizens through developer fees and voter-approved increases in local sales taxes.

Proposal: Proposition 74, if enacted by voters, would authorize the sale of $1 billion in general obligation bonds to be used for the construction and improvement of state highways. The measure also requires the governor to submit to the Legislature a six-year state transportation-funding plan which details both spending and revenues. It sets up annual funding levels for highway construction ($1 billion), mass-transit guideways ($75 million) and soundwalls ($15 million). In addition, it requires the state Department of Transportation (CalTrans) to submit a plan to the Legislature by November 15th of each year, detailing its staffing needs in order to deliver the governor's plan and a project-delivery report on all projects over $1 million. Finally, the proposal sets up a $300 million state-local demonstration program that provides state matching funds to local entities for highway construction and for mass-transit guideways. The entire package will cost $2 billion over 20 years, split evenly between principal and interest.

Arguments for: Led by Governor George Deukmejian and the California Business Roundtable, proponents argue that Proposition 74 sets up needed procedures for establishing a highway policy for the state. They also say that the state-local demonstration program provides an incentive to local governments to raise local money for highways. The money raised by the sale of these bonds, they maintain, will also add stability to the state's transportation-funding programs without resorting to a tax increase or to user fees such as toll roads.

Arguments against: Opponents, including many lawmakers and the California State Automobile Association and the California Trucking Association, argue that the state is mortgaging its future by relying so heavily on bonds to finance projects that ought to be paid for from taxes and user fees. One legislator, Democratic Assemblyman Mike Roos of Los Angeles, likened the state's heavy plunge into bonded indebtedness to a drug addict's first use of cocaine, which produces an immediate high but later results in a painful addiction.

75 SCHOOL FACILITIES BOND ACT OF 1988

Background: California school districts will need to spend more than $5 billion over the next five years for construction, remodeling and maintenance of school facilities according to legislative committee staff. The School Facilities Bond Act of 1988 is meant to provide $800 million toward financing this need, with another $800 million bond measure slated for the November 1988 ballot.

Bonds have been used for years to finance school construction. But it is not the only way. Some school districts partially finance construction by attaching impact fees to approvals for new residential, commercial and industrial development within their districts. In theory, new development attracts more residents and families who create additional burdens on government services and agencies, notably school districts. Because the cost of providing new schools was outstripping revenues brought in to local districts under state formulas, many local governments began levying fees on those who profited most from new development — namely, developers. In 1986 developers, who wield significant political clout in Sacramento, pushed a bill (AB 2926) through the Legislature to place a cap on those fees — $1.50 per square foot on residential development; 25 cents per square foot on

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commercial and industrial development. The cap was eliminated whenever voters defeated a statewide bond measure for school construction, however.

Last year, developers became uneasy over the large volume of bond measures potentially before voters in 1988. Given the possibility that voters may reject bond proposals *en masse*, developers wanted to ensure that the fee cap would remain in place. Sympathetic Republicans in the Assembly advanced a bill (AB 1929) to protect the cap even if the school bond measure went down at the polls. Liberal Democrats balked, however, and developer fees became part of negotiations over the entire bond package. Democrats agreed to AB 1929 in exchange for Republican support for bond measures on behalf of the homeless, libraries, water-quality protection and toxic clean-up.

Proposal: If enacted, this measure would authorize the state to sell $800 million worth of 20-year general obligation bonds to provide capital for the construction and improvement of K-12 public schools. Up to $120 million may be used to reconstruct or modernize existing facilities. At least $590 million would be used for acquisition of property and construction of new K-12 schools. Up to $40 million may be used to purchase air-conditioning equipment and insulation at year-around schools, and another $50 million for purchase of portable classrooms. According to the legislative analyst, Proposition 75 will cost the state general fund approximately $1.4 billion in interest and principal payments over a 20-year period, with the maximum annual cost $90 million.

Arguments for: Proponents — led by Democratic Assemblyman Jack O'Connell of Carpinteria, the California School Boards Association, California Federation of Teachers, County Superintendents of Schools, California Teachers Association and others — argue that the need is growing for new and modernized classrooms in California. According to the Senate Education Committee, more than $5 billion will be needed over the next few years to keep up with the demand for new and renovated schools. The financial burden of paying for these schools, proponents say, ought to be spread between current and future taxpayers, and the best way to accomplish this is through the sale of bonds.

Arguments against: Opponents in the Legislature, among them Democratic Assemblyman Steve Peace of Chula Vista, object to the unprecedented wave of bond measures on the ballot in 1988, calling them a fiscally irresponsible way to finance new construction. They point out that an $800 million bond measure actually costs taxpayers $1.4 billion if 20 years' worth of interest is included in the total.

76 VETERANS BOND ACT OF 1988

Background: Under the Cal-Vet Farm and Home Loan Program, $6.5 billion worth of bonds have been issued since the program first burst on the scene in 1921. The program itself loans money to California veterans for the purchase of homes and is administered through the state Department of Veterans' Affairs. According to the legislative analyst, more than half-a-million eligible veterans have not taken advantage of the loans, which are below the rates offered by conventional lenders. The most recent bond authorization was approved by voters in June 1986 and provided for $850 million in general-obligation bonds.

Proposal: If enacted, Proposition 76 would authorize the state to issue $510 million worth of bonds, with the revenues to be used for farm, home and mobilehome loans to qualified veterans. Unlike other bond issues on the June ballot, this measure will not require repayment from the state general fund since the the bonds are paid off by mortgage payments from veterans who receive the loans. Other bond programs could be affected, however, since the rate of interest on borrowed funds tends to rise when more money is borrowed by the state.

Arguments for: Proponents, led by various veterans' groups and by Democratic Assemblyman Steve Clute of Riverside, say that Proposition 76 continues a needed program that has been around since 1921. They maintain that the program is self-supporting and does not cost taxpayers money for either interest, principal or administrative costs.

Arguments against: As of early March 1988, no organized opposition had surfaced. But there are potential fiscal costs to Proposition 76. If payments by participating veterans do not cover the principal and interest on the bonds, taxpayers would have to make up the difference. Also, as with all bond measures, there are indirect costs: increased borrowing costs associated with a high number of outstanding bonds and a loss of state tax revenues because bond holders pay no taxes on the income they receive.

77 CALIFORNIA EARTHQUAKE SAFETY AND HOUSING ACT OF 1988

Background: California has been hit with several damaging earthquakes during the past few years, notably the Coalinga quake in 1983 and a Southern California trembler in the fall of 1987. Those quakes, as well as more minor tremors, have caused millions of dollars worth of property damage, much of it not covered by expensive earthquake insurance. As a result, many low- and moderate-income Californians have suffered economic hardships while trying to repair the damage caused by this unpredictable natural disaster. Still others, who have not yet suffered damage to their homes and businesses, do not have the funds to adequately reinforce their buildings to guard against future quakes. Currently, the Department of Housing and Community Development administers housing programs aimed at the needs of moderate and low-income residents.

Proposal: Proposition 77 authorizes the issuance of $150 million in general obligation bonds to support current and future housing programs. More than half the money — $80 million — would be loaned out to rehabilitate unreinforced masonry apartment buildings, to make them safer in case of an earthquake. The remaining $70 million would fund existing programs that provide low-interest loans to buy or renovate rental and owner-occupied units. The measure also requires local governments to identify potentially hazardous buildings before loans will be granted in their jurisdictions and requires that an architect or civil engineer have a hand in all seismic safety rehabilitations. The overall cost of the bond measure is $270 million — $150 million for the bonds and $120 for interest payments over the 20-year life of the bond issue.

Arguments for: Proponents, led by Assembly Speaker Willie Brown, argue that the state is awash in buildings that do not meet basic seismic-safety standards, and that thousands of Californians are endangered as a result. Because the cost of making unsafe buildings withstand future earthquakes is high, the state must help local governments and agencies finance these projects.

Arguments against: As of March 11, 1988, no organized opposition had surfaced to Proposition 77.

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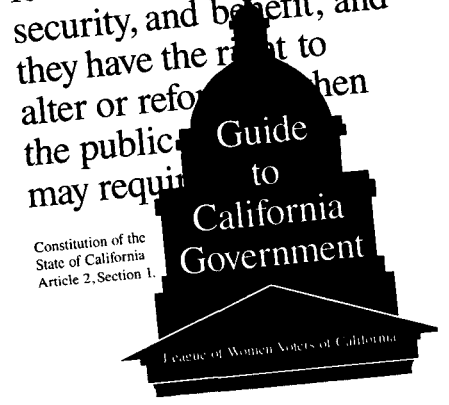
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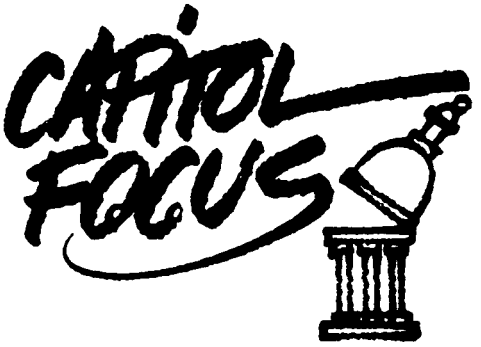

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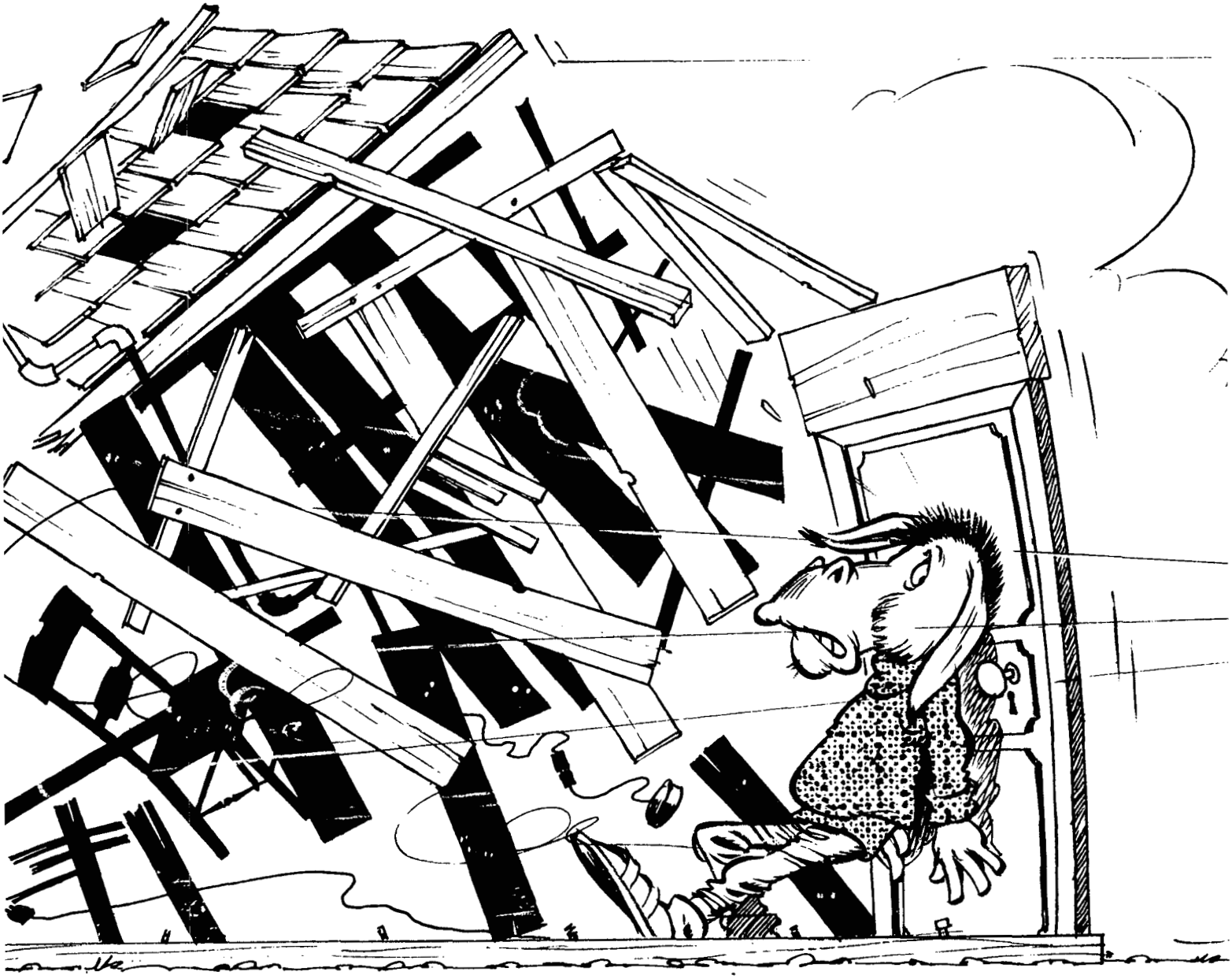

California Republicans are walking around with smiles on their faces and a spring in their steps these days.

Polls are showing the GOP's traditional underdog status among voters has given way to parity with the Democrats. The seven-year, three-month reign of Democratic Assembly Speaker Willie Brown is weakened by conservative dissidents within his own ranks. The Democrats' majority in the 80-member Assembly has dwindled in recent years to a precarious 43-36 lead. That's a far cry from the post-Watergate year of 1977 when the Democrats enjoyed a 57-23 advantage in the lower house, and a California Poll was showing that voters identified with the Democratic Party by a margin of 59 percent to 32 percent.

This new Republican optimism was evident at the party's February state convention in Santa Clara, where the convention's theme was "Blueprint for a Majority." "We are on the verge of becoming the majority party in this state," Republican Governor George Deukmejian proclaimed to hundreds of cheering delegates. Some delegates wore white buttons that said, "41/91", shorthand for the party's goal of seizing control of the lower house with a 41-seat majority by the time the new Legislature is seated in 1991.

The feeling of better days ahead is also evident at the Capitol. When Republican Assemblymen Dennis Brown and

Ken Hoover is a Capitol correspondent for United Press International.

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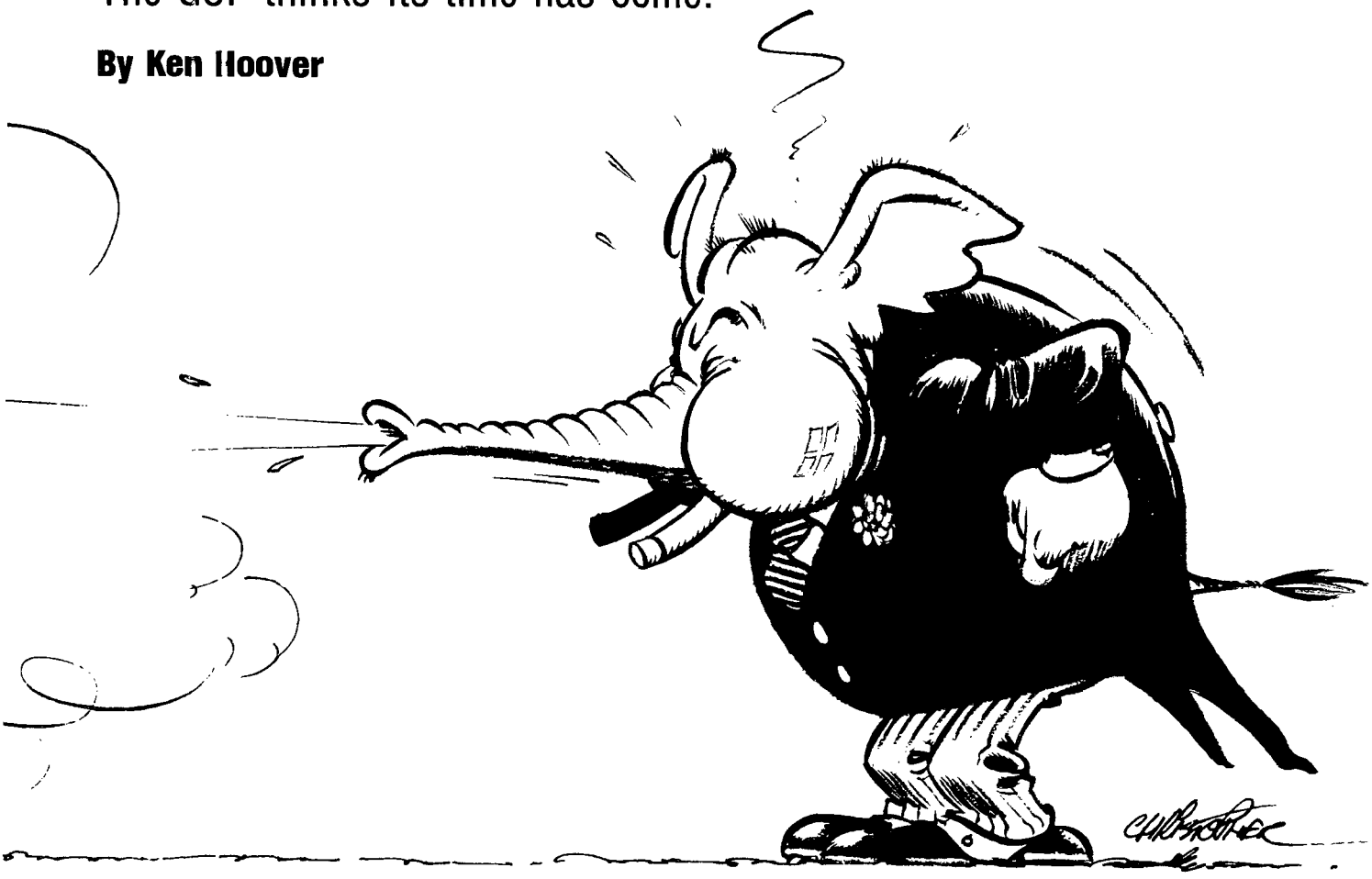
A change in the wind

The GOP thinks its time has come.

By Ken Hoover



Gerald Felando pulled out of the race to fill the Long Beach congressional seat that Dan Lungren vacated in his quest for state treasurer, both said they were more interested in the prospect of being part of a majority in Sacramento than a minority in Washington, D.C.

It's been a long time for the GOP. The last Republican speaker was Robert Monagan, who was ousted when the Republicans lost in the 1970 elections, ushering in 18 years of uninterrupted Democratic rule. Looking back, Monagan's speakership was a mere two-year quirk, sandwiched in the middle of 3. years of Democratic dominance.

To be sure, the Republicans haven't given up hope of also taking control of the Senate in 1991. But the odds there are longer. The larger senatorial districts were easier for the Democrats to gerrymander in the early 1980s. And it's too soon to tell which senators might give up their seats in a run for statewide office in 1990.

"Since I'm a betting man, I'd throw my money with the Assembly," says Dan Pellissier, an aide to Senate Minority Leader Ken Maddy and a member of the state Republican Central Committee.

The next two elections are crucial because the party in power in Sacramento in 1991 gets to redraw legislative and congressional district boundaries as the U.S. Constitution requires after each decennial census.

In the early 1980s the Democrats, enjoying wide majorities in both houses and also holding the governor's office, artfully designed districts that ensured they would be in control

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for the next decade, even in the face of declining voter support. The Republicans are hoping to return the favor by being in control for the 1990 realignment.

California has grown rapidly in the past decade, its population surging from 23.7 million in 1980 to more than 27 million this year. Consequently, its congressional delegation is likely to increase from the current 45 seats to 50 or 51 seats in 1991. Better than one of every nine congressmen would come from California — a development that gives this state's internal politics national importance.

"California reapportionment is the most important political project short of the presidential race in the United States," says Robert Naylor, now the state party chairman. Naylor was the Assembly minority leader in the early 1980s when the Democrats controlled reapportionment.

The national party has poured money into California for voter registration projects and is watching closely as legislative races evolve. Republicans have spent most of the decade smarting over the congressional reapportionment plan credited to the late Democratic Congressman Phil Burton. It's a debatable point, but the GOP has never stopped grumbling that Burton's gerrymander cost them up to six seats in Congress, which is more than the margin of difference on some important votes in the House of Representatives such as one in January that cut off aid to the Contras by 219-211.

In 1982 the Republican Party sued over the Burton plan, contending it disenfranchised GOP voters. The suit languishes unresolved before a three-judge panel of federal judges. A 1986 U.S. Supreme Court decision in an Indiana case gave state Legislatures more latitude in drawing district lines and seems to end hopes of a Republican legal victory.

Republican strategists like to point to public opinion polls and voter registration statistics to show their growing strength. A Field Poll released in January concludes the number of voters who identify with the Republican Party is now even — 45 percent to 45 percent — with those identifying with Democrats. Just five years ago, Democrats held a lead of 50 percent to 40 percent.

"The playing field in terms of party has flattened out," says Charles Rund, a Republican pollster and consultant in San Francisco. Rund and his fellow strategists in the GOP think President Reagan and Deukmejian deserve much of the credit.

"I certainly think there's a huge influence when the incumbent president and governor are Republican," Rund says. "They're popular, the economic structure of the state and the country have been robust, and the complaint level is not high."

Pollsters say younger voters, who came of age in an era of Reagan prosperity, are thinking of themselves more often as Republicans and some ethnic minorities, such as Asians and a surprising number of Hispanics are favoring the GOP.

Official registration figures from the secretary of state's office continue to show Democrats with the advantage, currently 51 to 38 percent. But their edge is probably overstated because of "deadwood" — voters who remain on the rolls even though they have died or moved.

Most analysts think there are more Democrats than Republicans among the deadwood, which could number as many as 1.6 million of the state's 12.1 million names on the rolls. Pollster Mervin Field's own estimate is that the Democrats' actual lead is only 49-41.

The more optimistic Republicans see themselves as the beneficiaries of an historic shift, similar to the one that occurred during the Great Depression, ushering in a generation of Democratic dominance. "I don't think this is a temporary thing," says Naylor. "It's continued despite the Iran-Contra thing and all the problems associated with the second half of the Reagan administration." He sees as evidence growing GOP strength in districts that Democrats designed for themselves in the Inland Empire of Riverside and San Bernardino counties and the suburban areas around San Francisco Bay.

Democrats, of course, see the situation differently. "It's not a permanent, rock-ribbed restructuring," insists Senate President pro Tempore David Roberti, a Los Angeles Democrat. "The image of a strong president is a main reason, mainly with younger voters who don't have strong philosophical moorings in either party. I think it's a rather transient thing."

The Democrats, fully aware of the Republican challenge, are bracing to defend themselves. Willie Brown says he expects to raise and spend up to $5 million to hold the Democrats' position in the 1988 elections. He has hired Dean Tipps, a 44-year-old executive of the Service Employees International Union and a veteran political campaigner, to head up the Democrats' Assembly offensive.

Republicans, contends Tipps, have worked harder than Democrats in registering new voters. In 1986, he says, Republican hustle resulted in a net increase for their party of a half million new registrants.

"People were living on past glories," says Tipps. "In a way, we had a false sense of security that Democrats would remain the majority party, and despite what happens in national politics, Democratic control in California was assured."

Tipps says he wants to change the way Democrats have been operating. "One of the things that has been forgotten is person-to-person contact," he says. "We've let technology drive our campaigns. Technology is good to some degree, but

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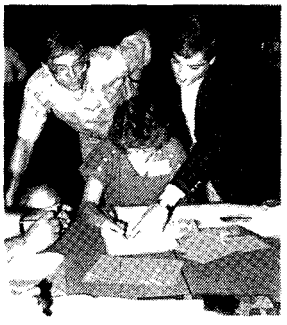

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Maddy

Nolan

we've got to get back to person-to-person contact. That's the strength of the Democratic Party.

"There's been a resurgence in this kind of activity that is getting the Democratic Party back to its traditional strength, which is going out and organizing ordinary citizens. We're going to be the majority party for a long time to come. Complacency is our worst enemy."

In the 1986 elections, Democrats lost three Assembly seats to the Republicans, but Tipps looks at that as the worst that could have happened.

Deukmejian drubbed Democratic Los Angeles Mayor Tom Bradley in the governor's race. Veteran Democratic U.S. Sen. Alan Cranston barely survived the challenge of Republican Ed Zschau. Chief Justice Rose Bird and two other liberal Supreme Court justices were removed from office in an emotional election that brought out the conservatism in the electorate. And a number of Assembly races did not go well.

A harbinger of the kind of campaigns shaping up for '88 and '90 was the hotly contested race last May in the 33rd Senate District that straddles largely blue-collar sections of Los Angeles and Orange counties. Both parties spent more than $1 million vying to fill the seat vacated by Democrat Paul Carpenter, who was elected to the State Board of Equalization.

Democrats are generally credited with doing a better job of getting their voters to the polls, and Democrat Cecil Green beat Republican Assemblyman Wayne Grisham. That district will be a battleground again in '88 as Democrats try to keep Green in office against a new GOP challenger.

There are some other districts that look like they could help decide which party is in power for the next decade:

•The 53rd Assembly District. Combative Democrat Richard Floyd won in 1986 despite a last-minute hit piece that accused him of giving in to drug dealers and purporting to be signed by President Reagan. "This time," promises Floyd in characteristic prose, "I'm going to be the dirty son of a bitch."

•The 54th Assembly District. Republican Paul Zeltner, a former Lakewood Councilman, beat Ed Waters, son of Assemblywoman Maxine Waters, in a district that was only 27 percent Republican last time, and the Democrats will be seeking revenge with a new candidate.

•The 60th Assembly District. Democrat Sally Tanner was given a run for her money two years ago by El Monte Councilman Henry Velasco, who is back to try again.

•The 68th Assembly District in Riverside County. Democrat Steve Clute is a perennial GOP target as his district around Riverside loses its Democratic registration edge. Clute squeaked by in 1986 by 1,737 votes and likely will face another stiff challenge in '88.

Continued on next page

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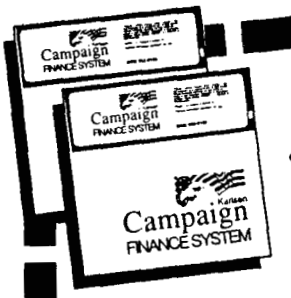

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•The 78th Assembly District. Former San Diego Councilwoman Lucy Killea won easily last time, but registration figures give Republicans an edge that could make it another arena for a bloody fight.

•The 1st Senate District. John Doolittle, the Senate's most conservative member, will likely face Sutter County Sheriff Roy Whiteaker, who gained fame in the Juan Corona murder case.

•The 7th Senate District. Incumbent Democrat Dan Boatwright is getting a serious primary challenge from Contra Costa Supervisor Sunne McPeak. The survivor could have a fierce battle with a GOP challenger.

Assembly Republicans see 15 seats where Democrats might be vulnerable. But the strategists say they aren't really expecting to sweep Assembly Democrats out of power this year.

"If we can gain two or three seats this year, we'll be in good position," says Assembly Republican Caucus Chairman Dennis Brown.

And if the Republicans do take the Assembly in 1990, the next question is: Who's speaker?

Pat Nolan, the confident Assembly minority leader, uses first-person pronouns when talking about the successor to Willie Brown. "He became minority leader at a time when we held 33 seats, and if he was running for speaker when we had 41, it would certainly be quite a record to run on," says Dennis Brown, a close Nolan ally. But Nolan still could have a problem within his own party.

In 1986 his Assembly friends contributed $750,000 to five candidates in Republican primaries. Only two of them, William Duplissea of San Carlos and Chris Chandler of Yuba City, won. The incident earned Nolan at least one avowed enemy — Assemblyman Stan Statham of Oak Run.

Statham needs no one's help getting re-elected, but in an adjoining district, he was backing his long-time administrative assistant and one-time fellow television reporter, Ray Narbaitz, while Nolan was pumping money into his opponent, (Chandler's) campaign. Chandler ultimately won a seat in the Assembly. But Santa Rosa businesswoman Beverly Hansen won despite Nolan's support of her primary opponent, and so did Kern County Supervisor Trice Harvey, who first was anointed with the minority leader's financial blessing, then had it withdrawn.

Both have since become loyal members of the Republican flock despite their initial snubbing at Nolan's hands. But Statham has never forgiven him. In January he proved he still is not on Nolan's team when he was the only Republican to vote with Democrats loyal to Willie Brown in a test of Brown's power. The week before, Brown had made Statham only the second Republican to head a committee.

"This election is absolutely pivotal for the minority and the majority leaders," says Statham. "The single most important task of Pat Nolan is to increase Republican representation in the Assembly. The single most important task of Willie Brown is to increase Democratic representation. They will be judged by how well they do that."

Statham maintains there are seven to 10 Republicans, like himself, who are not necessarily wedded to Nolan and who could support someone else if the circumstances were right. Although Nolan maintains he is securely in control, just as Brown must contend his own rebel Democrats who have challenged him, should the Republicans capture the Assembly, Nolan could have to deal with his own dissidents.

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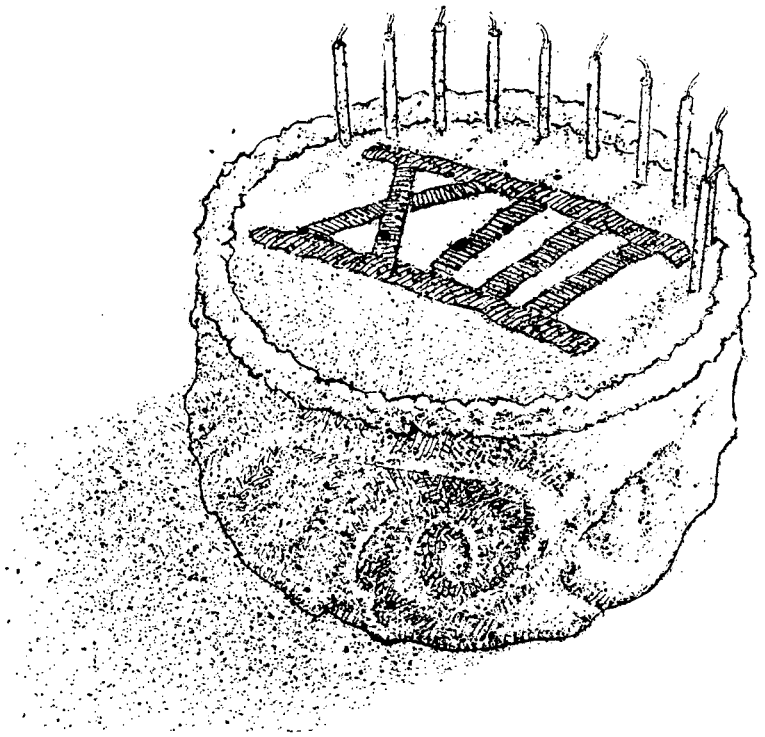

Proposition 13, ten years later

By Rebecca LaVally

Paul Gann believes he kept hundreds of thousands of homeowners from sinking under the burden of crushing property taxes when he steered Proposition 13 into the California Constitution back in 1978.

Comparing himself to the captain of the *Titanic*, Martin Nichols believes Gann and his unlikely partner, Howard Jarvis, hit him broadside with a torpedo.

Theirs is a debate that still rages undecided in this 10th anniversary year of the nation's modern tax-cutting revolution launched by California voters who were as angry at their political leaders as they were at their tax bills.

Nichols, the Butte County administrator, says the decimation of local government budgets that followed Proposition 13's passage has forced his county to seriously consider abolishing itself, turning its functions over to specialized community service districts with more financial flexibility.

"If Butte County is the *Titanic* and it's sinking — and our bow is slipping below the waves — then we're talking about taking the various functions of government and putting them in separate lifeboats," he says.

Gann has heard such complaints since his initiative passed on June 6, 1978, and remains as unmoved as ever.

"I'm very proud to have been part of Proposition 13," he said in a recent interview. "I think the thing we were trying to say was, number one, to make it possible for people to retain their homes. Number two, was that we want less government, not more government."

"Death and taxes are inevitable," was the belligerent battle cry of Jarvis, who died in 1986 at age 83. "But being taxed to death is not inevitable."

The Jarvis-Gann initiative handed voters the welcomed power to slash their own property tax bills by 57 percent, igniting a tax rebellion that caught fire across the land. Just as historic, it sparked an electoral revolution as dozens of privately drafted measures followed its path to the ballot. It transformed the initiative process from a rusty and forgotten contraption into a sleek and potent weapon, smashing the Legislature's grip on the state's laws and Constitution.

Proposition 13 did inflict a certain amount of pain by siphoning billions of dollars out of the coffers that pay for public health, safety and education — but that was sweetly numbed by the private benefits to millions of pocketbooks. Its passage bestowed security on those whose homes and savings had been threatened by skyrocketing tax bills.

Its offspring, a government spending limit approved by voters in 1979, produced a late-blooming prize: last year's Christmas tax rebate of $1.1 billion.

The upheaval predicted by Proposition 13's many foes took years to unfold in slow-motion drama, although 100,000 public jobs evaporated during the year following its passage. Even today, the public payroll in Los Angeles is 4000 paychecks smaller than it was before the initiative.

An embarrassing multibillion-dollar state surplus helped goad taxpayers into embracing Proposition 13, then helped bail out the schools, cities and counties that instantly lost nearly $7 billion in property tax revenue when it passed.

Today, big surpluses are gone and schools compete with other government programs for state dollars. School boards are imposing controversial fees on new homes to pay for more classrooms. School districts, which once could raise

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Rebecca LaVally is Capitol bureau chief for United Press International.

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property taxes to generate income, now plead with taxpayers to donate their rebate checks. Extras, like new lab equipment, depend on the whims of a lottery. Per-pupil spending is 22nd in the nation. Classroom size tops the 50 states.

Crimped by the spending limit, the state's highway fund — wellspring of the world's most modern and extensive freeway system — faces a multibillion-dollar shortfall as congestion clogs its aging arteries. Per-capita highway spending now is lowest in the nation.

Local governments have tried new ways of stretching dollars: contracting with the YMCA for city recreation services in Corcoran, replacing worn pavement with gravel in Humboldt County, attempting to persuade reluctant voters to accept a casino in Rio Vista.

Then there are the tried-and-true methods of finding money: raising fees and local taxes on anything from trash pickups to hotel rooms. In the burgeoning communities of Orange County, fees for land development soared 219 percent between 1975 and 1983.

In a final whack at the government leaders Jarvis relished battling, his last initiative, enacted in November 1986 a few months after his death, makes it more difficult still for cities to raise taxes.

Even the teeming financial hub of San Francisco faced a $77 million shortfall in its new budget. But the fiscal squeeze is felt most acutely in sparsely populated counties with little growth to yield new tax revenue and fewer legislators to battle dominant urban areas for Sacramento treasury dollars.

Counties are required by law to run health and welfare programs, courts and jails — and cannot always control costs by merely adjusting the ledger books. Before Proposition 13, counties spent about 30 percent of their budgets on "discretionary" items such as libraries, parks and roads. Now, says Larry Naake of the County Supervisors Association of California, the figure is less than 5 percent.

Libraries were boarded up last fall in Shasta and Tehama counties. Shasta County supervisors closed their 73-bed general hospital, the only public hospital serving several rural counties. John Sims, administrative assistant to Tehama supervisors, says the county may simply shut down for a time in June when it runs out of money.

"I hate to see libraries close and nobody cares for a good education more than I do," says Gann. "But ... there comes a time when the people who create an obligation have to be as responsible as the people who are forced to pay off the obligation."

In hindsight, Gann says his initiative contained a troublesome flaw: Californians who changed homes after its passage are forced to pay higher property taxes than neighbors who have stayed put. Now, after 10 years, some homeowners are paying more than double the taxes of those on the same street.

"My only regret is there isn't some way, and I keep looking for a way, that we can adjust this thing so my neighbor doesn't pay more property tax ... than I pay," says Gann.

Conservative Assemblyman Ross Johnson, Republican from Fullerton, proposes rolling back the taxes of those who have bought homes since Proposition 13, at a cost to government of $1.5 billion.

But even without tinkering, Proposition 13 today is saving California homeowners and commercial property taxpayers a whopping $15 billion a year.

Not since the Boston Tea Party had Americans rebelled as forcefully against taxes as Californians did when they swarmed to the polls to slash their property tax bills by more than half — against the advice of nearly every leading political figure on the horizon.

The Joint Legislative Budget Committee recently called Proposition 13 "the single most significant change made in the way governments, at all levels, operate in California."

"Ten years ago this coming June," it said, "the voters of California turned the fiscal system of their state upside down."

Proposition 13's tenets were simple and appealing. It rolled back assessments to 1975-76 market values, set the tax rate at 1 percent of value and then clamped a 2 percent lid on

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yearly assessment increases until property was sold.

Its overwhelming passage shook the state's political establishment to its core. Such tax slashing seemed uncharacteristic of Californians, with their premier public schools, their renowned, tuition-free universities and their vast, toll-

Jarvis

Gann

free highways. Just six years earlier they had snubbed then-Governor Ronald Reagan's own tax-limit initiative. But fueled by roaring, double-digit inflation, property taxes were rising so fast they threatened to force people out of their homes.

In the first half of 1978, 65,000 property owners in Sacramento County alone were told by the county tax assessor the valuation of their real estate was being raised by 40 to 50 percent.

Compounding taxpayers' ire, state government wasn't using all the money it was raking in. The surplus was growing so fast that then-Legislative Analyst Bill Hamm suggested the digital clocks on banks ought to add the size of the surplus to their minute-by-minute reports on the time and weather.

mind that property taxes did not go to the state treasury, made up mostly of sales, business and personal income taxes. The surplus came to symbolize bureaucratic mismanagement and indifference, fueling an anti-government sentiment born of desperation.

"We must have received four or five calls a day from people who were talking about turning on the oven without lighting it and sticking their head in it," Gann recalled late last year. "You know, people weeping."

When the Legislature finally offered its own property-tax relief measure on the same ballot with the Jarvis-Gann initiative, it was a complicated, 30 percent cut. Proposition 13 was simple and it cut taxes nearly twice as much.

"The pressure on senators and assemblymen was enormous," recalls Martin Helmke, a veteran state Senate tax consultant. "Everybody was getting letters and telephone calls. The expression for it is 'groundswell.' For two horrible years we fumbled, and came up with something inadequate. Facing Proposition 13, it went down to dismal defeat."

Almost 69 percent of the state's voters cast ballots in the June election, a primary turnout unequaled since in California. They embraced Proposition 13 by a ratio of nearly 2-1, and a million of them didn't even vote for governor on the same ballot.

Once they got the message, mainstream politicians went on a tax-cutting binge that lasted for years.

Declaring himself a "born-again tax cutter," Governor Jerry Brown joined the Legislature in enacting a flurry of tax breaks — wiping out the business inventory tax, phasing out the inheritance tax and adjusting income tax brackets for inflation to keep monster surpluses from materializing again.

Those changes, along with Proposition 13, saved Californians a whopping $106 billion as of 1985-86, state fiscal experts calculate.

Today, in the aftermath of their historic uprising, Californians seem satiated with their government blood-letting. Some did heed schools' pleas to donate their tax-rebate checks. Even more telling, says pollster Mervin Field, just 5 percent consider high taxes a pressing state problem, down from the 30 percent of 10 years ago.

During the past decade, Field says, the mood of the electorate has shifted so radically that 71 percent of Californians now favor raising local taxes if needed for public safety, to build roads or improve schools.

And as their tax-cutting fever has cooled, Californians have begun to believe they are getting a better bargain for their tax dollars, concludes Field, who has surveyed state opinion for 40 years. "Contributing to this more tolerant view of increased government spending is the perception that various levels of state and local government are doing a better job in making efficient use of tax dollars," he says.

Still, Republican Governor George Deukmejian isn't taking any chances. He voted against Proposition 13 and has never called himself a born-again tax cutter. But he steadfastly has opposed general tax increases as governor. Recently, he told the Sacramento Press Club that raising taxes, even gasoline taxes, would be "backward-looking" and lack creativity.

With each passing year it becomes harder to remember that Deukmejian as a legislator in 1967 carried a comprehensive $1 billion tax increase for Governor Reagan. Its magnitude set a record that still stands today.

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BALLOT FRONT

A roundup of statewide initiative proposals. All statutes require 372,145 valid signatures; constitutional amendments require 595,485. In parentheses is the deadline for sponsors to submit signatures to county clerks, and the issue of California Journal *that contains a full explanation of each measure. Regardless of the date shown, signatures should be submitted by April 6, 1988, for any measure to qualify for the November 1988 ballot.*

New in circulation:

AUTOMOBILE INSURANCE RATES — an initiative statute, sponsored by Steve Miller of Beverly Hills, that would require a minimum 20 percent reduction in "good driver" rates from those in effect on January 1, 1988. Insurance companies would be required to provide insurance to good drivers in any county where the company sells insurance, and provide the policy at the 20 percent discounted rate. Among other provisions, the measure would also create an Insurance Consumer Advocate Office. (July 11th)
SMALL CLAIMS COURT — an initiative statute, sponsored by Judge Roderic Duncan of the Alameda County Superior Court, that would increase the maximum amount recoverable through small claims court to $10,000, up from the current level of $1500. The measure would also delete current provisions relating to small-claims courts' jurisdiction to enforce payment of certain deliquent personal-property taxes and issue writs of possession. (August 4th)

Continuing in circulation:

BALLISTIC MISSILE DEFENSE POLICY — an initiative statute, sponsored by Russell Oertel of Claremont. (March 21st; December 1987 *CJ*)
REAPPORTIONMENT — an initiative constitutional amendment, sponsored by Republican Congressman William Dannemeyer of Fullerton. (March 28th; December 1987 *CJ*)
NUCLEAR POWER — an initiative statute, sponsored by Ben Davis Jr. of Broderick. (March 28th; December 1987 *CJ*)
ALCOHOLIC BEVERAGES — an initiative statute, sponsored by Joseph Viducich of Beverly Hills. (April 18th; January 1988 *CJ*)
AIDS TESTING — an initiative statute, sponsored by Los Angeles County Sheriff Sherman Block. (April 18th; January 1988 *CJ*)
HOUSING AND NUTRITIONAL ASSISTANCE — an initiative statute, sponsored by Board of Equalization Chairman Conway Collis. (April 21st; January 1988 *CJ*)
CIGARETTE AND TOBACCO TAX — an initiative constitutional amendment and statute, sponsored by Neil Andrews and Carolyn Martin of the Coalition for a Healthy California. (May 2nd; February 1988 *CJ*)
FIREARMS OWNERSHIP — an initiative constitutional amendment, sponsored by Carl Murphy of Lompoc and Bernadine Smith of Hanford. (May 2nd; February 1988 *CJ*; February 1988 *CJ*)
CAL-OSHA — an initiative statute, sponsored by John Henning of the California Labor Federation (May 2nd; February 1988 *CJ*)
OATH OF OFFICE — an initiative constitutional amendment — sponsored by Tony Avila Sampson, Floyd Sampson, Rose Sampson, William Sampson and Howard Sampson of Petaluma. (May 9th; February 1988 *CJ*)
TERMINAL ILLNESS — an initiative statute, sponsored by Robert Risley of Los Angeles. (May 9th; February 1988 *CJ*)
JUDICIAL ORGANIZATION — an initiative constitutional amendment, sponsored by James Schwander of People for Legal Justice. (May 16th; February 1988 *CJ*)
HOUSING ASSISTANCE BONDS — an initiative statute, sponsored by Marcus Brown Jr. of the California Coalition for Rural Housing. (May 16th; February 1988 *CJ*)
AIDS REPORTING — an initiative statute, sponsored by Republican Congressman William Dannemeyer of Fullerton and Dr. Lawrence McNamee of the California Physicians for a Logical AIDS Response. (May 16th; February 1988 *CJ*)
ALCOHOLIC BEVERAGES; 'TIED HOUSE' LAWS — an initiative statute, sponsored by Jeremiah Hallisey of San Francisco. (May 16th; February 1988 *CJ*)
ALCOHOLIC BEVERAGE TAX — an initiative statute, sponsored by Los Angeles County Supervisor Ed Edelman. (May 19th; February 1988 *CJ*)
DISCLOSURE — an initiative statute, sponsored by Jim Rogers of Oakland (May 23rd; February 1988 *CJ*)
MOTOR VEHICLE INSURANCE — an initiative statute, sponsored by Democratic Assemblyman Richard Polanco of Los Angeles. (May 26th; February 1988 *CJ*)
NUCLEAR POWER PLANT EMERGENCY RESPONSE PLANS — an initiative statute, sponsored by Ben Davis Jr. of Broderick. (June 6th; March 1988 *CJ*)
SCHOOL FUNDING — an initiative consitutional amendment, sponsored by California Teachers Association President Ed Foglia (June 6th; March 1988 *CJ*)
CRIMINAL LAW — an initiative constitutional amendment, sponsored by Republican state Senators Ed Davis of Northridge and Ed Royce of Anaheim, GOP Assemblyman Ross Johnson of Fullerton, Kern County District Attorney Ed Jagels, Robert Henderson, Anthony Rackauckas, Sterling Norris, Richard Riordan, and Doris Tate. (June 6th; March 1988 *CJ*)
INSURANCE RATES AND REGULATION — an initiative statute, sponsored by Harvey Rosenfield of Santa Monica. (June 9th; March 1988 *CJ*)
LONG TERM HEALTH CARE — an initiative constitutional amendment, sponsored by Janet Levy of Sacramento. (June 17th; March 1988 *CJ*)
EDUCATION TAX CREDIT — an initiative statute, sponsored by Manuel Klausner of Californians for Quality Education (Encinitas). (June 23rd; March 1988 *CJ*)
AUTOMOBILE INSURANCE; GOOD DRIVER PREMIUMS — an initiative statute, sponsored by J. Gary Gwilliam of Oakland. (June 24th; March 1988 *CJ*)
MOTOR VEHICLE AND OTHER INSURANCE — an initiative statute, sponsored by Stanley Zax of Beverly Hills. (June 24th; March 1988 *CJ*)
TAX CREDIT. AIDS RESEARCH FUND — an initiative statute, sponsored by state Controller Gray Davis and California AIDS Advisory Committee member Bruce Decker. (July 5th; March 1988 *CJ*)
MOTOR VEHICLE ACCIDENT CLAIM REIMBURSEMENT FUND — an initiative statute, sponsored by James Wheaton of the Center for Public Interest Law. (July 5th; March 1988 *CJ*)

Failed to qualify:

DISABILITY BENEFITS — an initiative constitutional amendment, sponsored by Kevin McCarthy of Santa Rosa. (March 7th; December 1987 *CJ*)
INSURANCE REGULATION — an initiative statute, sponsored by Adam Burton of Los Angeles. (March 7th; December 1987 *CJ*)

Source: Secretary of State's office

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Photo by Tim Kelly

Senator Marian Bergeson

Competent, respected, stuck

By Larry Peterson

"Look at this," state Senator Marian Bergeson said, jubilantly waving a newspaper at a reporter in the lobby of her Newport Beach office and pointing to a page-one story. It described the dismissal of a $25 million lawsuit against the city of Laguna Beach on behalf of a teenager paralyzed after diving into the ocean and hitting a submerged rock.

A year ago the case might have gone to trial. A few cities were so concerned about their vulnerability to such lawsuits that they seriously mulled the possibility that they might be better off — legally speaking — if they didn't provide a lifeguard. But, under the Republican legislator's bill, signed into law last year, coastal cities have immunity from litigation involving people hurt in beach accidents caused by natural conditions. The law is expected to stave off untold numbers of other potential laws and save beach communities countless millions of dollars.

"It's a very good feeling when you've worked so very hard on something like this," said Bergeson, 60, whose petite stature and proper, almost prim, bearing smack more of high society than of the Legislature's upper house.

But working hard — and being ready for opportunities — is what she calls her secret of success. "I'm in this for the long haul," she said, noting that she worked on the liability measure for three years. "I feel that I've established enough credibility over 10 years in the Legislature that I can say about something I'm working on that I can get it done, if not necessarily this year ... It takes perseverance and a heck of a lot of stamina."

In the eyes of at least one lawmaker, Republican state Senator John Seymour of Anaheim, Bergeson's got that and more. "She's bright," said Seymour, who shares her conservative but pragmatic outlook. "She's intelligent. She's gutty. She knows how to use the various leverage tools in her legislative kit. I view her as the Margaret Thatcher of the California State Senate."

It was the field of education, one of her legislative specialties, that lead Bergeson into politics. A graduate of Brigham Young University, she taught, served on two local school boards — including a term as president in one of them — and was president of the California School Boards Association. In 1976 she ran for Assembly and won on her second try in 1978.

In the Assembly, she said, her proudest achievement was the passage of a 1979 measure that pegged state income tax rates to inflation. As a result, people who get cost-of-living wage increases or other raises that merely reflect inflation

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Larry Peterson is political correspondent for The Register *of Orange County.*

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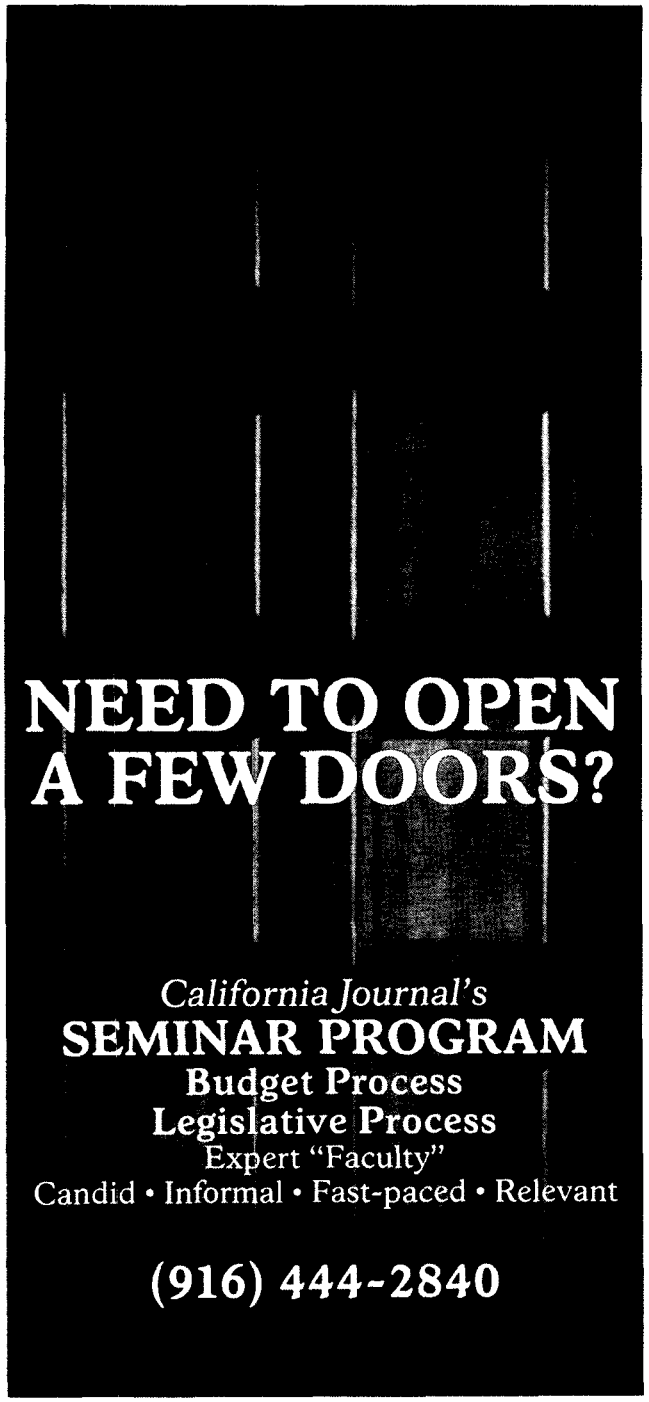

SCHEDULE

April 15	**ALL ABOUT THE GANN LIMIT - update and prognoses**	Sacramento
April 22	**THE HIDDEN LAW - coping with California's regulatory process**	Los Angeles
April 28	**ADVOCACY - what works and what doesn't**	Sacramento
April 29	**THE MEDIA, PUBLIC POLICY, and advocacy strategies**	Sacramento

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rather than real increases in buying power aren't pushed into higher rate brackets.

In 1984 she was elected to represent coastal Orange County, Imperial County and parts of San Diego and Riverside counties in the Senate.

Bergeson is stylistically and strategically almost the opposite of her Assembly GOP counterparts from conservative Orange County. She and they go about the business of lawmaking in different and occasionally contradictory ways. Using a mostly low-key, tactical approach, Bergeson gets a lot done for her district, while the county's GOP assemblymen devote their energies to high-visibility, partisan confrontations.

To some degree, the contrast stems from the differences between the sedate Senate, which institutionally is prone to pragmatism and compromise, and the freewheeling Assembly, given more to symbolism, confrontation and power games. It also is a function of the radically different way Bergeson and her Assembly counterparts view their jobs.

"My concerns are building roads ... and maintaining a viable water system and educational system that meets the very demanding changes in our state," said Bergeson, whose bills focused on all three needs last year. "These are the kinds of realities we have to deal with. But I have a different style than many other legislators."

But Orange County's GOP Assembly members, most of them part of the lower house's majority within a minority — the hard-line conservative faction led by Pat Nolan of Glendale — feel they have a different role. Rather than push bold legislative packages with little chance of success, they usually focus their efforts on trying to win GOP control of the Assembly. "There's a war going on in the Assembly over the state's future," said Assemblyman Gil Ferguson, who shares Bergeson's party allegiance and home town, but little else. "And until that war is over in 1990, the Assembly Republicans are going to be preoccupied with the war rather than running the business of the state."

Bergeson, recognized for her expertise in fiscal matters and as chairman of the Senate Local Government Committee, is the only Republican to head a standing committee in the Democrat-dominated Senate.

"She does her homework," said Orange County Supervisor Thomas Riley, a fellow Newport Beach resident who works in tandem with her on local issues. "Our philosophy of constituent relations is very similar," he said.

Bergeson said an important part of her job is mobilizing a local consensus behind her bills, which often involve compromises. "We sometimes have to get people in a room and get them to realize that it will take some give-and-take to solve a problem." It helps that she has many years of civic and social contact with the people who sit in such rooms. Her Newport Beach connection makes her a neighbor of many of the county's elite. But Bergeson works hard to cement ties with such people who are — after all — constituents. "Marian networks very well," observed former Orange County Supervisor Bruce Nestande.

Bergeson is not beyond resorting to fiscal gimmicks to get things done for her district. For example, her bill calling for the consolidation of two special-service districts will give county government a $50 million cushion from its legal spending limit, known as the Gann limit. By converting the districts into county departments, the county, which is within $3 million of the limit, will inherit the districts' unused spending authorizations.

In all, she introduced 66 bills last year, including 18 that directly affect her constituents. Forty — more than any by oth-

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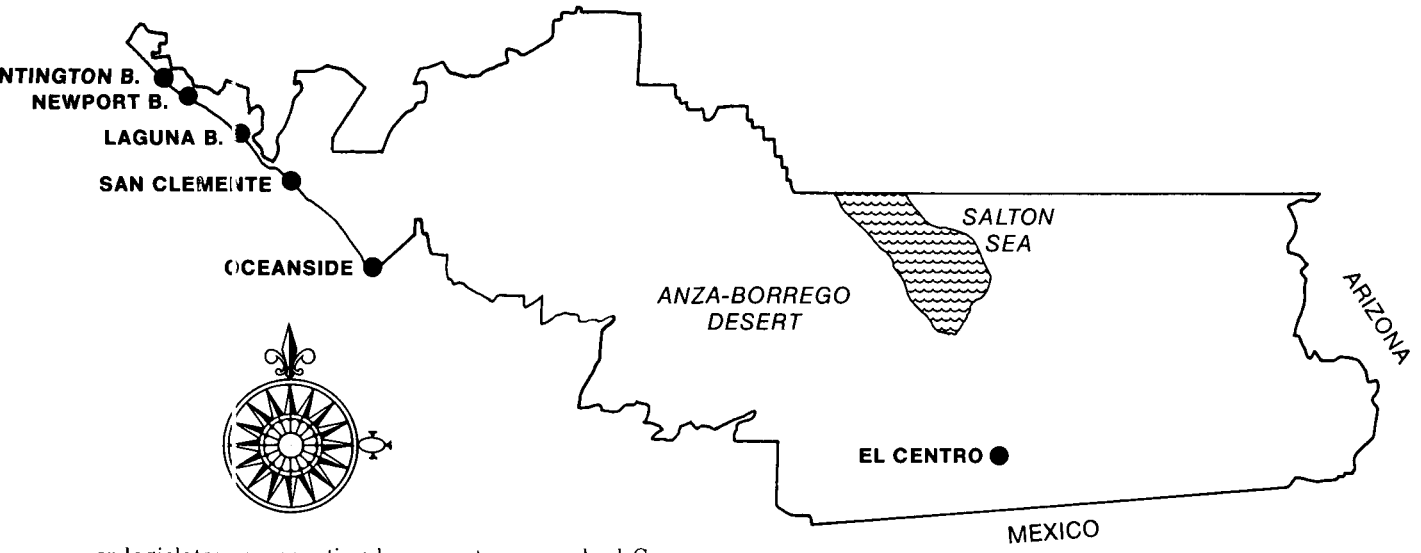

37th SENATE DISTRICT

er legislator representing her county — reached Governor George Deukmejian's desk. Seymour was the area's second-most productive legislator, authoring 71 bills including 15 measures for his district, and getting 27 to Deukmejian.

Perhaps her biggest legislative success in the Senate was the passage in February of a bill allowing Caltrans to hire private engineers to design and develop freeway projects. While applicable statewide, the bill was critical to Orange County which is already backlogged on 13 of 20 major freeway projects. Failure to act, according to Bergeson and county business leaders, would have jeopardized federal funding for $338 million worth of county highway projects. Success was not easy. Despite heavy lobbying from county officials and developers, the bill died in September. Even though supporting the idea of directing highway work to the private sector, Assembly Republicans refused to accept affirmative-action quotas insisted on by Democrats. The guidelines called on Caltrans to hire women and minority-owned engineering firms for 20 percent of the private-sector planning work. The squabble over the quotas illustrates the difference in perspective between Bergeson and the Assembly Republicans. While controversial, they would have relatively little real impact, because nearly 15 percent of all state contracts already go to women and minorities. Assembly Republicans acknowledged that the hiring goals would be accommodated easily but rejected them on principle as "un-American." Though unable to eliminate the quotas in September, GOP Assembly members privately boasted that they would get Deukmejian to veto the measure. Bergeson held her bill in the Senate rather than risk a gubernatorial veto.

That setback frustrated Orange County businessmen, especially developers eager for state help with roads to move goods to market and employees to work and to literally pave the way to new developments. Eventually, say some lawmakers, their threats to withhold campaign contributions to the GOP drive to take over the Assembly helped bring about a change of heart.

Bergeson faced a major career crossroads in January, when Newport Beach's Republican Congressman Robert Badham, who had served in the House since 1977, announced that he would not seek a seventh term. She acknowledged from the outset that his 40th District seat was a tempting target. "The congressional seat is a natural, as far as my base is concerned, because I've represented nearly every city in Badham's district ...," she said. "It would be a very good district for me." Bergeson also conceded that she was lured by "the aura of Washington," and that she views the nation's capital as the major league of politics.

The seat probably was hers for the asking. As in Bergeson's own 37th state Senate District, voter registration in the 40th is so heavily Republican that the victor in the GOP primary is considered a virtual shoo-in in the general election. And there was little doubt that she would win the primary. If she did run, many GOP insiders speculated, most of the prospective candidates would have dropped out.

"Not only could Marian Bergeson beat everyone in the race," said David Baker, a councilman from Irvine who also coveted the post, "but Marian Bergeson deserved to execute that option if she chose to." Added Frank Caterinicchio, Baker's campaign consultant: "In every poll I've seen, she is stronger in the district than even George Deukmejian." Said Mike Stockstill, director of community affairs for the Irvine Company, Orange County's largest landowner, "If Marian comes in, everybody backs her, she sweeps the field."

In the end, she decided, as she put it, that, "The Senate is where I could play the most effective role. The advantages of Congress were not as compelling compared to what I can do in the state Legislature." She added that she wants to finish her political career at the state level because, "Opportunities for statewide office may open and I may be interested in pursuing them."

In any case, said Nestande, she would have had to abandon her hopes for a statewide office had she gone to Congress. "Once you go to Washington," he said, "all that is gone. It's almost impossible to build a statewide constituency. You are on a different career track."

Bergeson has been touted as a prospective candidate for lieutenant governor or state superintendent of public instruction. She also was on Deukmejian's short list of prospective appointees to the state treasurer vacancy created last year by the death of Jesse Unruh. He named Long Beach Congressman Dan Lungren to the post.

This year, Bergeson will face an opponent, but no real challenge for re-election to the Senate. She is vague about what might happen next. About the most she is willing to say: "I will take a look at what appears to be opening up or what might be winnable in 1990."

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WASHINGTON PERSPECTIVE

By LARRY LIEBERT

Hetch Hetchy feud

It's not a controversy on the grand scale of the Iran-Contra scandal or the debate over the deficit, but the conflict over Hetch Hetchy has opened a nasty little feud within the lame-duck Reagan administration.

LAST JULY, Interior Secretary Donald Hodel, known for his pro-development views, came up with a provocative — if unlikely — proposal to tear down San Francisco's Hetch Hetchy water system in Yosemite National Park.

The Hetch Hetchy Valley would be drained and restored to its pristine glory, enhancing the environment and providing an alternative to the tourist-jammed trails in neighboring Yosemite Valley.

The practical problems in this plan are immense — from finding an alternative source for the water and power that Hetch Hetchy provides for San Francisco and neighboring communities, to inventing methods to restore a long-inundated valley.

But the political ironies are intriguing. Here was Hodel, so often denounced for his efforts to exploit, drill and develop, playing the role of an environmental visionary. The interior secretary said the idea just came to him one night when he was dashing off some thoughts on his home computer.

Tearing down the dams at Hetch Hetchy had long been the impossible dream of Hodel's enemies in the Sierra Club. According to legend, the club's founder, John Muir, died of a broken heart after San Francisco despoiled his beloved Hetch Hetchy Valley.

On the other hand, San Francisco, that bastion of leftists and environmental purists, has been forced to defend its right to keep its massive plumbing system in the midst of an incomparable national park.

The nasty feud developed when one of Hodel's fellow Cabinet officers denounced his Hetch Hetchy brainstorm as a multi-billion dollar dumb idea.

"I don't think it's a good idea, nor do I think it will ever happen," Energy Secretary John Herrington told several California reporters in November. "It's a system that is up and running, delivering some very clean water and some very needed electricity."

The spat between Hodel and Herrington, who have clashed over turf before, has also inspired speculation over their real motives.

Those close to Herrington speculated that Hodel wanted to polish his environmental credentials in order to go back to his home state of Oregon and run for office after the Reagan administration closes up shop next January.

Since then, Hodel has been touted for other jobs — vice president or perhaps White House chief of staff. Hodel, a born-again Christian, is a favorite of former television evangelist Pat Robertson and other super-conservative Republicans.

On the other hand, Hodel's spokesman has suggested that Herrington, a former Walnut Creek developer, is defending San Francisco's Hetch Hetchy interests in anticipation of returning to the Bay Area to search for work.

David Prosperi, Hodel's spokesman, charged that when Herrington first learned of the Hetch Hetchy proposal he "expressed agitated concern that (he) had to go back to Northern California to earn a living after this administration, and he thought the idea would have an adverse effect on his ambitions."

Hodel's plans may never go anywhere, but the interior secretary seems to have won the first round. President Reagan included enough money in his proposed budget to begin a study of demolishing the Hetch Hetchy water works.

Washington notebook: Maybe California won't get frozen out of presidential politics after all.

At the very least, the biggest state will be forced to choose from the leftovers of a picked-over banquet of candidates because of its belated June primary.

"After this year, I don't see the West laying back to the end of the process," predicted Vice President George Bush, the Republican front-runner who hopes to have his nomination wrapped up before California. "We may see more regional primaries, not less."

On the Democratic side, there is still speculation that there will be a brokered convention — or, at the very least, some deals will be cut before the convention ever begins.

If so, several Californians could be among the bargainers in the proverbial smoke-filled rooms, as the Wall Street Journal recently noted. If Missouri's Representative Richard Gephardt survives to the pre-convention bargaining, he may call in one of his savviest backers — House Majority Whip Tony Coelho of Merced.

Jesse Jackson, who can depend on the bargaining clout earned through his bloc of fervent supporters, has among his top backers that formidable deal-maker, California Assembly Speaker Willie Brown.

Reagan's AIDS Commission, which was widely denounced for its right-wing tilt and lack of expertise, has pleasantly surprised its critics thus far. Its first report zeroed in on such tough problems as how to combat the disease among intravenous drug users and how to provide long-term care outside of hospitals. Equally striking, its recommendations could cost federal and state government an extra $2 billion a year.

The key to the commission's enlightened approach has been the man who was sent in to save it after its first chairman quit in frustration.

"YOU HAVE TO RELY ON ME," said Admiral James Watkins, the straight-talking former chief of naval operations. "I am not a right-wing conservative. I happen to think I'm a moderate. I have a leadership style that is not going to tolerate the under-the-table, backdoor slipping-in of ideas. It ain't going to work with me."

But the commission has put off the touchiest questions on issues such as mandatory AIDS testing and patient confidentiality. Those issues have to be faced by its final report in June.

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